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JOURNAL

OF THE

CONVENTION

OF THE

TATE OF TENNESSEE,

CONVENED FOR THE PURPOSE OF

REVISING AND AMENDING

THE

CONSTITUTION

THEREOF.

HELD IN NASHVILLE.

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JOURNAL

OF THE CONVENTION

OF THE STATE OF TENNESSEE.

Convened in the City of Nashville on Monday the 19th day of May, in the year of our Lord, one thousand eight hundred and thirty-four, in pursuance of an act of the General Assembly of said State, entitled "An Act to provide for the calling of a Convention." Passed the 27th day of November, 1833.

Monday, May 19, 1834.

The following named members appeared, produced their credentials and took their seats:—

From the District composed of the county of Carter—William B. Carter.

Washington—Matthew Stephenson.

Sullivan—Abram M'Clellan.

Greene—Robert J. M'Kinney.

Hawkins—John A. M'Kinney.

Jefferson, Grainger, Claiborne and Campbell—Calloway Hodges, Richard Bradshaw and Gray Garrett.

Cocke and Sevier—Wm. C. Roadman.

Knox—Joseph A. Mabry.

Blount—James Gillespy.

Monroe—Bradley Kimbrough.

M'Minn—John Neal.

Roane—James I. Greene.

Anderson and Morgan—John Whitson.

Rhea and Hamilton—William T. Senter.

Bledsoe and Marion—John Kelly.

Washington, Green, Sevier, Cocke, Blount, Monroe and M'Minn—John M'Gaughey.

Overton and Fentress—Hugh C. Armstrong.

Jackson—James W. Smith.

White—Richard Nelson.

Warren—Isaac Hill.

Franklin—George W. Richardson.

Warren and Franklin—William C. Smartt.

Smith and Sumner—John J. White, Robert Allen and Isaac Walton.
Wilson—Burchett Douglass and Robert M. Burton.
Rutherford—William Ledbetter and Henry Ridley.
Bedford—Joseph Kincaid and Jonathan Webster.
Lincoln and Giles—James Fulton, A. A. Kincannon and Thos. C. Porter.
Davidson—Francis B. Fogg and Robert Weakley.
Williamson—Newton Cannon and Wm. G. Childress.
Maury—Terry H. Cahal and Robert L. Cobbs.
Robertson—Richard Cheatham.
Montgomery—Willie Blount.
Dickson, Stewart and Humphreys—James Gray and John Montgomery.
Hickman, Wayne and Lawrence—Boling Gordon and Henry Sharp.
Henry —Peter Kendall.
Carroll—Ennis Ury.
Henderson—John Purdy.
Perry, Hardin and M'Nairy—James Scott and Maclin Cross.
Madison—Adam Huntsman.
Hardeman—Julius C. N. Robertson.
Fayette—West Humphreys.
Shelby—Adam R. Alexander.
Gibson and Dyer—Nelson J. Hess.
Weakley and Obion—G. W. L. Marr.
Haywood and Tipton—William H. Loving.

The whole number of Delegates being present, on motion of Mr. Roadman, Mr Blount was conducted to the Chair. The Convention then proceeded to the choice of a President to preside over its deliberations; when, on collecting and counting the votes, on the seventh balloting it appeared from the report of the Tellers that William B. Carter, the Delegate from the county of Carter, was duly elected; whereupon, Mr Carter was conducted to the Chair, and made his acknowledgements to the Convention in the following words, to wit:—

Gentlemen of the Convention:

It is with the deepest feelings of gratitude, that I rise to express my thanks to this honorable body, for the high and distinguished honor just conferred upon me—an honor that was wholly unexpected and unsolicited by me, but the more to be appreciated on that account. The only way I can ever repay such an act of kindness, is to exert whatever talent God and nature have endowed me with, in promoting that harmony, good feeling and social intercourse in the body over which I have been called to preside, which is so essential to the discharge of those high and importnat duties, which the people of the State, in their highest sovereign capacity, have conferred upon us, for the purpose of altering, changing or amending the fundamental principles by which they are governed. In discharging the important duties which must necessarily devolve upon me, as the presiding officer of this honorable body, I shall greatly rely upon the kindness and indulgence of the members of this Assembly, to supply the deficiencies which I may possess in relation to a thorough acquaintance with the procedure which prevails in all deliberate political bodies. The great principle which should actuate each individual in this Convention, is, to touch the Constitution with a cautious and circumspect hand, and to deface that instrument, formed with so much wisdom and foresight by our ancestors as little as possible; and should there be in that sacred charter of liberty, some articles or features of doubtful policy, prudence requires that we should better let it remain than to launch it into a sea of uncertainty, when we cannot perhaps better its condition. That mutual concession and a spirit of compromise, are indispensible to a successful termination of our labors, I have no doubt; such feelings should be cherished by every member of this Convention; and when we have performed the duties and work assigned us by our constituents, we can depart to our homes and our families with the pleasing reflection, that we have faithfully and honestly discharged our duties, with an eye single to the best interests and happiness of our beloved country, and that society and posterity will be shielded and protected by a constitution which guaranties to us and them civil and religious liberties, as well as our personal and political rights, in the true sense that freemen understand and appreciate them.

Mr. Burton moved that the proceedings of the Convention be opened by prayer to Almighty God, and that the Rev. Mr. Smith of the Cumberland Presbyterian Church in Nashville, be invited to officiate on the occasion. Mr. Gordon moved that all other clergymen present be invited to seats within the Bar of the House. Both of which motions prevailing, the Rev. James C. Smith pronounced a solemn and appropriate prayer.

Mr. M'Gaughey submitted the following, which was adopted unanimously—

Resolved, That the rules adopted for the government of the House of Representatives of the 20th General Assembly of this State be deemed and taken as the Rules of Government for this Convention, so far as they are applicable, until otherwise ordered.

The Convention then proceeded by ballot to the election of a Secretary, and upon collecting and counting the votes upon the first balloting, it appeared from the report of the Tellers that William K. Hill was duly elected—who thereupon took his seat at the Clerk's table.

Mr. Burton then moved that the Convention now proceed to the election of an Assistant Secretary, and the question thereupon being had, it was determined in the affirmative—Ayes 51—Noes 9. The ayes and noes being demanded, the affirmative voters were

Messrs. President, Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Cahal, Cobbs, Cheatham, Douglass, Fulton, Fogg, Garrett, Gillespy, Greene, Gray, Gordon, Hodges, Hill, Hess, Kelly, Kincannon, Kimbrough, Ledbetter, Loving, M'Clellan, Robert J. M'Kinney, John A. M'Kinney, M'Gaughey, Montgomery, Marr, Neal, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton and White—51.

The negative voters were

Messrs. Childress, Cross, Huntsman, Humphreys, Kincaid, Kendall, Mabry, Webster and Weakley—9.

And so said motion prevailed; whereupon the Convention proceeded by ballot to the election of an Assistant Secretary, and upon collecting and counting the votes upon the 20th balloting, it appeared that WILLIAM J. I. MORROW was duly elected—who thereupon took his seat at the Clerk's table.

And the Convention adjourned until to-morrow, 9 o'clock, A. M.

TUESDAY, MAY 20, 1834.

The Convention met according to adjournment.

MR STEPHENSON submitted the following:

Resolved, That the Secretary contract for such articles of stationery, as may be necessary for the use of this Convention during its Session.

MR. SMITH submitted the following, as an amendment thereto, in lieu of the whole from the word "Resolved," "That the Secretary contract for such stationery as may be necessary for the use of the Convention, during its session, with a view to the saving the public expenditure, and when procured it be under his care and responsibility."

On motion of Mr Cannon, the foregoing resolution together with the amendment thereto, were ordered to the table.

The Convention then proceeded to the election of a Door Keeper, and upon collecting and counting the ballots, upon the 6th balloting it appeared from the report of the Tellers that James M'Dowell was duly elected, who was thereupon ordered to give his attendance accordingly. The Convention next proceeded to the election of an Assistant Door Keeper, and upon collecting and counting the votes upon the 9th balloting, it appeared that Alfred C. Robertson was duly elected, who was thereupon ordered to give his attendance accordingly.

MR. DOUGLASS submitted the following:

Resolved, That the Editors of the several newspapers published in this state, be permitted to take seats within the bar of this House, for the purpose of taking notes and reporting the proceedings of this Convention.

MR. BLOUNT, the following:

Resolved, That this Convention be opened daily by prayer, under such arrangements as may be entered into by ministers of the different denominations themselves, as to the routine of daily prayer, without bias of, or towards any particular sect or exclusion of any order, in said routine, provided it may be acceptable to the clergy who are or may [illegible] ile during the Session of the Convention, to enter into [illegible] gement: And that a copy of this resolution be by the Se- [illegible] addressed to the clergy resident in this city—both of which [illegible] severally read and adopted.

Mr. ALLEN submitted the following:

Resolved, That a committee of thirteen, one from each Congressional District, be appointed to inquire into and report what method will be most expedient to bring before the House such amendments as may be proposed to the Constitution.

And Mr. BURTON, the following:

1st. *Resolved*, That a committee of   be appointed to prepare and report what amendments, if any, are necessary to be made to the Bill of Rights, appended to the existing Constitution of the State of Tennessee.

2d. *Resolved*, That a committee of   be appointed to take into consideration the Judicial Department of the government, as established by the present Constitution of this State, and that they report to this Convention such amendments thereto as may seem to them necessary to be made.

3d. *Resolved*, That a committee of   be appointed to take into consideration the Legislative Department as fixed in the existing Constitution, and that they report such alterations and amendments as may appear expedient.

4th. *Resolved*, That a committee of   be appointed to prepare and report such alterations and amendments, as they may deem necessary and proper, to the Executive Department of the government.

5th. *Resolved*, That a committee of   be appointed to take into consideration the proper basis of Representation, and the proper mode and manner of apportioning the same among the several counties, and that they report thereon to this Convention.

6th. *Resolved*, That a committee of   be appointed to take into consideration so much of the Constitution as relates to the right of suffrage, and qualifications of persons to be elected to office, and to report what alterations or amendments are necessary to be made therein.

7th. *Resolved*, That a committee of   be appointed to take into consideration all such parts of the Constitution as relate to the Militia Soldiery of the State, and that they report such alterations and amendments as to them may seem proper to be made.

8th. *Resolved*, That a committee of   be appointed to take into consideration all such parts of the Constitution as are not referred by any of the foregoing resolutions, and that they report to the Convention such amendments thereto as may seem expedient.

Said resolutions were severally read and ordered to the table.

Mr. GREENE submitted the following:

Resolved, That the following oath be administered to the Secretary and Assistant:

"You solemnly swear that you will faithfully and diligently perform the duties of the office to which you have been elected in this Convention, to the best of your skill and ability. So help you God."

Mr. Allen offered the following in lieu of the foregoing:

After the words "that you will," add— "discharge the duties appertaining to the office of Secretary to the Convention faithfully and impartially, according to the best of your skill and ability."

Said amendment being received, the question was thereupon had—Will the Convention adopt the resolution?—and determined in the affirmative—Ayes 41—Noes 19.

The yeas and nays being demanded, those who voted in the affirmative are

Messrs. President, Allen, Alexander, Burton, Blount, Cannon, Cobbs, Fulton, Fogg, Garrett, Greene, Gray, Gordon, Hodges, Hill, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, M'Clellan, Robert J. M'Kinney, John A. McKinney, Mabry, M'Gaughey, Neal, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Whitson, White and Webster—41.

Those who voted in the negative are

Messrs. Armstrong, Bradshaw, Childress, Cahal, Cheatham, Cross, Douglass, Gillespy, Huntsman, Humphreys, Hess, Kendall, Montgomery, Marr, Smith, Scott, Ury, Walton and Weakley—19.

So said resolution was adopted.

Whereupon the oath prescribed was administered to the Secretary and Assistant Secretary by Robert Weakley, an acting Justice of the Peace in and for the county of Davidson.

Mr. Nelson submitted the following:

Resolved, That a committee be appointed to inquire into the form and nature of the oath to be taken by the members of this Convention, and that said committee report thereon as early as practicable.

Mr. Greene offered the following as an amendment thereto in lieu of so much thereof as occurs after the words "inquire into," to wit: "the expediency and propriety of the members of this Convention taking an oath, and if it should seem proper that one should be administered, that they report the form and nature of that oath."

And the sense of the Convention being thereupon had, said amendment was received.

Whereupon the question was submitted—

"Will the Convention adopt the resolution?" and determined in the negative—Ayes 25—Noes 35.

The ayes and noes being demanded, the affirmative voters are

Messrs. President, Allen, Burton, Cobbs, Cheatham, Fogg, Greene, Gray, Kelly, Kincannon, Kincaid, Kimbrough, M'Clellan, Robert J. M'Kinney, M'Gaughey, Neal, Nelson, Richardson, Ridley, Robertson, Senter, Smartt, Scott, Whitson and Wesbster—25.

The negative voters are

Messrs. Armstrong, Alexander, Bradshaw, Blount, Cannon, Childress, Cahal, Cross, Douglass, Fulton, Garrett, Gillespy, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kendall, Ledbetter, Loving, John A. M'Kinney, Mabry, Montgomery, Marr, Porter, Purdy, Roadman, Stephenson, Smith, Sharp, Ury, Walton, White and Weakley—35.

And so the Resolution was rejected.

Mr. Cahal submitted the following:

Resolved, That the several newspapers published in the city of Nashville be furnished the members of this Convention during its session.

And Mr. Huntsman, the following:

1st. *Resolved*, That a committee of thirteen members, one from each congressional district, be appointed to take into consideration the Legislative Department of the government, as established by the present Constitution, and to report to this Convention, whether any, and if any, what amendments or changes are necessary thereto.

2nd. *Resolved*, That a committee of thirteen members, one from each congressional district, be appointed to take into consideration the Executive Department of the government, as established by the present Constitution, and to report to this Convention, whether any, and if any, what amendments or changes are necessary thereto.

3rd. *Resolved*, That a committee of thirteen members, one from each congressional district, be appointed to take into consideration the Judicial Department of the government, as established by the present Constitution, and to report whether any, and if any, what amendments or changes are necessary thereto.

4th. *Resolved*, That a committee of seven be appointed, to take into consideration such parts of the present Constitution as cannot appropriately be referred to the Legislative, Executive or Judicial committees, and also, such additions as may be found useful to the present Constitution, and report the result of their deliberations to this Convention.

5th. *Resolved*, That no original resolution, which proposes an amendment, change or addition to the present Constitution, be discussed upon its merits, until it has been referred to the proper committee—*provided* nevertheless, the mover of said resolution shall be at liberty to state succinctly its object and design.

Said resolutions were severally read and ordered to the table.

Mr. Huntsman, submitted the following:

Resolved, That a committee of five be appointed, to draft such rules for the government of the Convention, as will best facilitate the despatch of public business, and that they report thereon as early as practicable. And the rule, requiring resolutions to lie one day on the table, being suspended on motion of Mr Huntsman, said resolution was adopted.

The President appointed Messrs Huntsman, Cannon, John A. McKinney, Stephenson, and Kincaid, the said Committee.

Mr. Huntsman also submitted the following:

Resolved, That a committee on Privileges and Elections, consisting of five members, be appointed to take into consideration all matters and things appertaining to those subjects;—and the rule being suspended, said resolution was adopted.

The President appointed Messrs. Huntsman, Burton, Mabry, Robert J. M'Kinney and Nelson said committee.

Mr. Stephenson's resolution requiring the Secretary to contract for stationery, &c., together with Mr. Smith's amendment thereto, were taken up and severally read.

Mr. Mabry offered the following in lieu of the whole, from the word *Resolved*, That a committee of three be appointed to contract for stationery for the use of this Convention, and also to contract for such job printing as may be necessary to be done previous to the election of apublic printer.

In lieu of all which Mr. Greene submitted the following:

Resolved, That this Convention will go into the election of a Public Printer to their body on to-morrow evening at 3 o'clock.

On motion of Mr. Blount, the resolution, together with the foregoing amendments, were ordered to the table.

Mr. Huntsman, submitted the following:

Resolved, That the Public Printer, when elected, furnish this Convention with one hundred printed copies of the present Constitution and Declaration of Rights thereto appended.

And then the Convention adjourned.

Wednesday, May 21, 1834.

The Convention met according to adjournment, and was opened with prayer by the Rev. Mr Gwin.

Mr. Cannon submitted the following:

Resolved, That in order to facilitate the progress and deliberations of this Convention, in relation to the important objects for which it has been called by the good people of the State— it is expedient to go into Committee of the Whole, for the purpose of taking up the present Constitution and Bill of Rights, and giving them the most thorough examination in detail, and for the purpose of expressing our opinions freely and fully in relation to their different parts and provisions; suggesting also such amendments and alterations as may be deemed necessary to be made.

Mr. White submitted the following:

Resolved, That the 2d section of article 1st of the existing Constitution, ought to be amended so that an enumeration of the taxable inhabitants shall be made within every subsequent term of six years, instead of seven, as directed by said section.

That that clause of the seventh section of the same article, which requires a person, in order to be eligible to a seat in the General Assembly, to possess in his own right in the county which he represents, not less than two hundred acres of land, be stricken from the instrument.

That the 20th section of the same article, which directs land to be taxed in such manner that no one hundred acres shall be taxed higher than another, &c., be stricken out, and the following provision be substituted in its place: "All lands liable to taxation in this State, shall be taxed in proportion to their value; that value to be ascertained by classification, assessment or any other mode that the Legislature may, from time to time, think proper to adopt."

That that clause of the 3d section of article 2d which requires the Executive to possess a freehold estate of five hundred acres of land, be stricken out of the Constitution.

That the 9th section of the same article, which authorizes the Governor upon extraordinary occasions to convene the General Assembly, and requires him to state to them, when assembled, the object for which they were convened, be amended, so as to prevent the General Assembly, at such special session, from legislating upon any other subject than that for which they were convened.

That the following power be given to the Executive:—Every bill which shall have passed both houses of the General Assembly, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the House in which it may have originated, who shall enter the objections at large upon their Journals, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that House, shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered. If approved by a majority of the whole number elected to that House, it shall become a law;—but in such case the votes of both Houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the Journals of each House respectively. If any bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it; unless the General Assembly, by their adjournment, prevent its return; in which case it shall not become a law.

Every order, resolution or vote, to which the concurrence of both Houses may be necessary, (except on questions of adjournment) shall be presented to the Governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by a majority of all the members elected to both Houses, according to the rules and limitations prescribed in case of a bill.

That the 3d section of the 3d article, which directs all elections be by ballot, be amended as follows:—In all elections by the General Assembly, the members thereof shall vote *viva voce*, and their votes shall be entered on the Journals. All other elections shall be by ballot.

That the 1st and 2d sections of article 5th, with regard to the Judicial power, be stricken out, and the following substituted in lieu thereof:—The Judicial power of this State shall be vested in one Supreme Court, and in such inferior Courts as the General Assembly may from time to time ordain and establish. The Judges, both of the Supreme and Inferior Courts, shall hold their offices during good behaviour; but not beyond the age of sixty years. They shall be elected by the joint vote of both Houses of the General Assembly.

Judges may be removed from office by a concurrent vote of both Houses of the General Assembly, each House voting separately; but two thirds of all the members elected to each House must concur in such vote. The vote shall be determined by yeas and nays, and the names of the members voting for or against the Judge, shall be entered on the Journals of each House respectively.

The General Assembly shall, by joint vote of both Houses, elect an Attorney or Attorneys for the State, who shall hold their offices for the term of four years.

That the 10th section of the same article, which directs each Court to appoint its own Clerk, to hold his office during good behaviour, be amended as follows:—Clerks of the County Court shall be elected by the qualified electors in each County, at the times and places of holding elections for members of the General Assembly for the term of four years; and should a vacancy occur subsequent to an election, it shall be filled by the County Court, and the person so appointed shall hold his office until the next general election. Clerks of the other Courts shall be appointed by the Courts of which they respectively are Clerks, for the term of four years. Clerks may be removed from office for such cause and in such manner as may be prescribed by law.

That the 12th section of the same article be amended, so that Justices of the Peace shall be elected, by the qualified electors in each Captain's Company, for the term of four years, whose powers and duties shall, from time to time, be regulated and defined by law.

That the following be substituted for the 1st section of article 6th of the existing Constitution:—There shall be elected in each County, by the qualified electors thereof, one Sheriff and one Register, at the times and places for holding elections for members of the General Assembly. They shall continue in office two years, and until successors shall be chosen and duly qualified; *Provided*, that no person shall be eligible to the office of Sheriff more than four years in any term of six years. Should a vacancy occur subsequent to an election, it shall be filled by the County Court, and the person so appointed shall continue in office until the next general election, when such vacancy shall be filled by the qualified electors; and the Sheriff then elected shall continue in office for two years.

A competent number of Constables shall be elected in each County, by the qualified electors in each Captain's Company, who shall hold their offices for two years.

There shall be appointed in each County, by the County Court, one Coroner, one Trustee and one Ranger, who shall hold their offices for two years.

That the 3d section of article 10th be stricken out, and provision for specific amendments inserted to the following effect:—

Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives, and if the same shall be agreed to by a majority of all the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on the Journals, with the yeas and nays taken thereon, and referred to the General Assembly then next to be chosen; and shall be published for six months previous to the time of making such choice; and if in the General Assembly next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each House; then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the People, in such manner and at such times as the General Assembly shall prescribe; and if the People shall approve and ratify such amendment or amendments, by a majority of all the citizens of the State voting for Representatives voting in their favor, such amendment or amendments shall become a part of the Constitution.

Mr. Nelson submitted the following:

Resolved, That a Select Committee of thirteen, one from each Congressional District, be appointed to take into consideration the provision which exists in the present Constitution upon the subject of taxation, and inquire if any, and, if any, what amendment or changes are necessary.

Mr. Burton submitted the following:

Resolved, That the Secretary of State furnish to each Member of this Convention, on application, such books as he may have in his office belonging to the State; and the rule being suspended, said resolution was adopted.

Mr. Stephenson's resolution requiring the Secretary to contract for stationery, was taken up on motion of Mr. M'Gaughey, together with the amendments heretofore offered, all of which being read,

Mr. M'Gaughey offered the following in lieu of the whole, except that part relating to stationery, to wit:—That a Committee of five be appointed to contract for the public printing of this Convention, and that the said Committee be instructed to contract for the same, upon the best and cheapest terms which they may be enabled to make, with such printer or printers as may be disposed to undertake the same; and that said contract be made in conformity with the act of Assembly passed on the 21st day of December, 1831, on the subject of Public Printing, but upon cheaper terms than therein pointed out, if the same can be so made; and also that any contract made shall be made with special reference to the cheap and speedy execution of the Public Printing, which may be required to be done on behalf of this Convention; and that any contract made under this resolution, shall be reported to the Convention for their ratification or rejection; and should the same be ratified, the said Printer shall thereupon be elected, and the contract shall be obligatory.

Mr. Cannon moved a division of the question, so as to test the sense of the Convention on that part of the proposition submitted by Mr. Stephenson, requiring the Secretary to contract for Stationery, which prevailing, Mr. **Stephenson** accepted the amendment of Mr. **Smith**, and the resolution was thereupon read as amended and adopted.

The amendment offered on yesterday by Mr. **Greene**, was then determined to be the original resolution, which was in the following words, to-wit:

Resolved, That the Convention go into the election of a Public Printer to their body on to-morrow evening at three o'clock, and that said Printer shall not receive a greater compensation than was allowed to the Printer of the General Assembly at the session of 1831, for similar services.

Mr. **Gillespy** then offered the following in lieu of the foregoing, and also in lieu of the amendment offered by Mr. **M'Gaughey**, to wit:

Resolved, That a Committee of three be appointed to receive proposals for the Job Printing, and that they also receive proposals for printing the Journals, and such amendments as may be made to the Constitution, and report on each case separately and as early as practicable: and the sense of the Convention being thereupon had, said amendment was rejected.

The question then recurred upon the amendment offered by Mr. **M'Gaughey**, and the question thereon being had; Will the Convention receive said amendment?—it was determined in the negative. Ayes 16—Noes 44. The ayes and noes being demanded by Mr. **M'Gaughey**, the affirmative voters are

Messrs Douglass, Garrett, Gillespy, Gray, Kelly, Kincaid, Ledbetter, M'Gaughey, Neal, Nelson, Roadman, Ridley, Stephenson, Smartt, Ury, and Webster—16.

The negative voters are

Messrs President, Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Greene, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kincannon, Kendall, Kimbrough, Loving, M'Clellan, Robert J. M'Kinney, John A. M'Kinney, Mabry, Montgomery, Marr, Porter, Purdy, Richardson, Robertson, Senter, Smith, Sharp, Scott, Whitson, Walton, White and Weakley—44.

And so said amendment was rejected.

The question then recurred upon the adoption of the original resolution as offered by Mr. Greene, and the sense of the Convention being thereupon had, it was determined in the affirmative.

The President presented the memorial of Edward Ward of Shelby county, contesting the election of Adam R. Alexander Esq. the delegate from said county; which was received, read at the Clerk's table, and referred, on motion of Mr. **White**, to the Committee on Privileges and Elections.

Mr. **Fogg** submitted the following:

Resolved, That the Secretary of State be requested to prepare and communicate to this Convention, tabular statements of the free white, free coloured and slave population of each county in this State according to the census of 1800, 1810, 1820 and 1830. Also, of the taxable inhabitants, according to the census taken in this State in 1805, 1812, 1819, 1826 and 1833, the quantity of land taxed in each county in 1833—of the amount of taxes assessed in each county—amount of taxes paid into the public Treasury from each county, from 1800 to 1834—amount of taxes accruing on each subject of taxation, for the same period—and an estimate of the free white, free coloured and slave population of each county, in the year 1834; and also, that the Secretary be requested to communicate such other information in regard to the statistics of this State, as can by him be conveniently prepared. And the rule being suspended on motion of Mr. Fogg, said resolution was adopted. Ordered, that the Secretary of this Convention, present a copy of the foregoing resolution to the Secretary of State.

Mr. Cahal submitted the following:

Resolved, That the elective franchise should be uniform, so that throughout the State, similar qualifications should confer a similar right of suffrage, and that no citizen in any election, shall be entitled to more than one vote.

Resolved further, That equal numbers of qualified voters, throughout the State, are entitled to equal representation in both branches of the General Assembly.

Mr. Roadman, the following:

Resolved, That the Constitution that may be adopted by this Convention, be submitted to the free voters of this State for their approval or condemnation.

And Mr. J. A. M'Kinney, the following:

Resolved, That the Secretary of State, be required to make out and communicate to this Convention, a statement of the number of persons, omitting the names of such persons who have been appointed to civil offices of trust and emolument by the Legislature of this State, from persons who were elected members of the Legislature, during the period for which such persons were so elected, specifying the offices to which such appointments have been made—said statement to include all that period which has elapsed since the adoption of the present Constitution of this State.

Mr. Webster submitted the following:

Resolved, That a Committee on Propositions and Grievances be appointed, to consist of five members, whose duty it shall be to examine and report upon all petitions and memorials of that nature, which may come before this Convention. And the rule being suspended, on motion of Mr. Webster said resolution was adopted.

The President appointed Messrs Webster, Roadman, White, Kendall and Cahal said Committee.

Mr. Armstrong submitted the following resolutions:

Resolved, That the most expedient method of bringing before the Convention any amendment to the Constitution which may be proposed, will be to take up the existing Constitution of the State of Tennessee, with the Declaration of Rights, and regarding them for the purpose of examination and discussion, as a plan proposed and referred to a committee of the whole Convention, there to be examined, section by section, and to be dealt with, by reference to committees ro otherwise, as this Convention may direct.

Resolved, That it be a standing order of the Convention, that the Convention shall every day resolve itself into a Committee of the Whole to consider the existing Constitution of the State, and such propositions for amendment or alteration thereof as shall be referred to or made in said committee.

And Resolved, That the Declaration or Bill of Rights requires no amendment except the 28th Section, which should read as follows—"That every citizen of this State subject to Military duty shall be compelled to bear arms or furnish a sufficient substitute."

On motion of Mr. J. A. M'Kinney, ordered, that the credentials of the members of this Convention be referred to the Committee on Privileges and Elections.

Mr. Armstrong submitted the following:

Resolved, That this Convention will elect a Sergeant at Arms tomorrow at 12 o'clock.

And also the following:

Resolved, That each and every county in the State shall elect one Representative to the General Assembly, and no more, and that there shall be thirty Senators, elected agreeably to the free population, and no county shall be divided in forming a Senatorial District, and when it takes more than one county to form a district, they shall adjoin each other.

Mr. Robertson submitted the following:

Resolved, That in all elections to be made by this Convention, each member be required to vote *viva voce*.

Resolved, That in all elections to be made by the Legislature, each member shall be required to vote *viva voce*.

Mr. Smith presented the memorial of sundry citizens of Jackson county, which was read at the Clerk's table, and on motion of Mr. Smith, was referred to the Committee on Propositions and Grievances.

The hour of three o'clock having arrived, the Convention proceeded, by ballot, to the election of a Public Printer; and on collecting and counting the votes on the third ballotting, it appeared from the report of the Tellers, that Samuel H. Laughlin and John F. Henderson were jointly and duly elected.

Mr. Allen's resolution of yesterday, proposing the appointment of a committee of thirteen, one from each Congressional District, for the purpose of adopting and reporting the most expedient mode of presenting to the consideration of the House such amendments as may be proposed to the existing Constitution, was taken up, read and adopted.

The President appointed Messrs. Allen, Roadman, Garrett, Gillespy, Greene, Armstrong, Burton, Cannon, Webster, Sharp, Cheatham, Hess, and Humphreys, to compose said Committee.

On motion of Mr. Cheatham, ordered, that Messrs. White and Fogg be added to said committee.

On motion of **Mr. Armstrong**, ordered, that Mr Smith be added to said committee.

On motion of **Mr. Sharp**, ordered, that Mr Walton be added to said committee.

The resolutions heretofore submitted by Messrs. Burton, Huntsman and Cannon, were, on their several motions, ordered to be referred to the foregoing committee.

Mr. Kimbrough submitted the following:

Resolved, That the Convention receive no more resolutions, for amendments to the Constitution, until it be determined by this body, whether they proceed by a Committee of the Whole to examine said instrument regularly, as to what amendments should be made, or whether its several branches be referred to committees for their examination and report.

And then the Convention adjourned.

THURSDAY, MAY 22, 1834.

The Convention was opened by prayer, by the Rev. Mr. Greene, of the Methodist Episcopal Church.

Mr. Allen, from the committee to whom was referred sundry resolutions, reported that the committee have had the same under consideration, and have instructed him to report the following resolutions:

1st. *Resolved*, That a committee of five be appointed, to take into consideration the Bill or Declaration of Rights, and to report to this Convention, whether in their opinion, any, and if any, what amendments are necessary therein.

2nd. *Resolved*, That a committee of thirteen (one from each Congressional District,) be appointed, to take into consideration the Legislative Department as established by the present Constitution, and report to this Convention, whether any, and if any, what amendments or changes are necessary thereto.

3rd. *Resolved*, That a committee of thirteen (one from each Congressional District) be appointed, to take into consideration the Executive Department of the Government, as established by the present Constitution, and report to this Convention, whether any, and if any, what amendments or changes are necessary thereto.

4th. *Resolved*, That a committee of thirteen (one from each Congressional District,) be appointed, to take into consideration the Judicial Department of the Government, as established by the present Constitution, and report whether any, and if any, what amendments or changes are necessary thereto.

5th. *Resolved*, That a committee of seven members be appointed, to take into consideration the Militia Department, as established by the present Constitution, and report to this Convention, whether any, and if any, what amendments or changes are necessary thereto.

6th. *Resolved*, That a committee of thirteen be appointed, to take into consideration all such parts of the present Constitution as cannot be appropriately classed under the head of Legislative, Executive, or Judicial, or any of the committees accompanying this report, and that they report to this Convention, whether any, and if any, what amendments or changes are necessary thereto.

7th. *Resolved*, That all resolutions which propose an amendment, change or alteration, to the present Constitution, be referred by the Convention to the Committee having charge of that branch of the present Constitution to which it properly belongs.

Mr. Allen moved that the foregoing report be laid on the table and that sixty copies thereof be printed for the use of the Convention, which motion prevailed.

Mr. Huntsman, from the Committee on Privileges and Elections, to whom was referred the credentials of the members of this Convention, reported that the committee had carefully examined the same, and had instructed him to make the following report, to wit: That the following named gentlemen are duly elected Members of this Convention, from Districts hereinafter designated.

From the District composed of the County of Carter—William B. Carter.

From the County of Washington—Matthew Stephenson.

From the County of Sullivan—Abraham M'Clellan.

From the County of Greene—Robert J. M'Kinney.

From the County of Hawkins—John A. M'Kinney.

From the County of Knox—Joseph A. Mabry.

From the County of Blount—James Gillespy.

From the County of Monroe—Bradley Kimbrough.

From the County of M'Minn—John Neal.

From the County of Roane—James I. Greene.

From the County of White—Richard Nelson.

From the County of Jackson—James W. Smith.

From the County of Warren—Isaac Hill.

From the County of Franklin—George W. Richardson.

From the County of Robertson—Richard Cheatham.

From the County of Montgomery—Willie Blount.

From the County of Henderson—John Purdy.

From the County of Carroll—Ennis Ury.

From the County of Madison—Adam Huntsman.

From the County of Hardeman—Julius C. N. Robertson.

From the County of Fayette—West H. Humphreys.

From the County of Shelby—Adam R. Alexander.

From the County of Henry—Peter Kendall.

From the District composed of the Counties of Cocke and Sevier—William C. Roadman.

From the Counties of Rhea and Hamilton—William T. Senter.

From the Counties of Bledsoe and Marion—John Kelly.

From the Counties of Overton and Fentress—Hugh C. Armstrong.

From the Counties of Smith and Sumner—John J. White, Robert Allen and Isaac Walton.

From the County of Rutherford—William Ledbetter and Henry Ridley.

From the County of Bedford—Joseph Kincaid and Jonathan Webster.

From the County of Maury—Terry H. Cahal and Robert L. Cobbs.

From the County of Williamson—Newton Cannon and William G. Childress.

From the County of Davidson—Francis B. Fogg and Robert Weakley.

From the County of Wilson—Burchett Douglass and Robert M. Burton.

From the Counties of Lincoln and Giles—James Fulton, Andrew A. Kincannon and Thomas C. Porter.

From the Counties of Washington, Green, Sevier, Cocke, Blount, Monroe and M'Minn—John M'Gaughey.

From the Counties of Campbell, Claiborne, Grainger and Jefferson—Calloway Hodges, Richard Bradshaw and Gray Garrett.

From the Counties of Warren and Franklin—William C. Smartt.

From the Counties of Hickman, Lawrence and Wayne—Boling Gordon and Henry Sharp.

From the Counties of Perry, Hardin and M'Nairy—James Scott and Maclin Cross.

From the Counties of Gibson and Dyer—Nelson J. Hess.

From the Counties of Haywood and Tipton—William H. Loving.

From the Counties of Weakley and Obion—G. W. L. Marr.

The committee further beg leave to report, that in the district composed of the counties of Anderson and Morgan, the returning officer of Anderson county has given his certificate and made his return for that county only. No return has been made by the returning officer of Morgan county; but from the return made by the sheriff of Anderson county in favor of John Whitson, and from the circumstance of no person appearing to contest the election of Mr. Whitson, your committee have concluded that he was duly elected, although the evidence furnished of that fact is not in pursuance of the requirements of the law. The Committee further beg leave to report, that the sheriffs and returning officers of the District composed of the counties of Dickson, Stewart and Humphreys, have not made such returns of the election, held in said district, as the law requires, by reason that it does not appear that the sheriff or returning officer of Stewart county, has made any return or comparison of the poles whatever. But the sheriffs and returning officers of the counties of Dickson and Humphreys have certified that John Montgomery and James Gray are duly elected, and your committee, in this case, also believe, that the said John Montgomery and James Gray are duly elected from the aforesaid district.

Your committee therefore recommend the adoption of the following resolution:

Resolved, That the said John Whitson, John Montgomery and Jas. Gray, are entitled to all the rights and privileges appertaining to members of this Convention, and that they retain their seats accordingly.

All of which is respectfully submitted,

ADAM HUNTSMAN, *Chairman.*

The foregoing report was read, the resolution adopted and the report concurred in.

Mr. Huntsman, from the committee who were appointed to draft rules and regulations for the Convention, reported the following, to wit:

1st. *Touching the duties of the President:*

He shall take the chair every day at the hour to which the Convention shall have adjourned on the preceding day; shall immediately call the members to order, and, on the appearance of two thirds of the members, shall cause the Journal of the preceding day to be read; he shall preserve decorum and order; may speak to points of order, in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the Convention by any two members; he shall rise to put a question, but may state it sitting; questions shall be distinctly put in this form, to wit:—"As many as are of opinion that (as the question may be) say Aye," and after the affirmative voice is expressed—"as many as are of a contrary opinion, say No." If the President doubts or a division be called for, the Convention shall decide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. All committees shall be appointed by the President, unless otherwise directed by the Convention, in which case they shall be appointed by ballot, and if upon such ballot the number required shall not be elected by a majority of votes given, the Convention shall proceed to a second ballot, in which a plurality of votes shall prevail, and in case a greater number than is required to compose or to complete the committee, shall have an equal number of votes, the Convention shall proceed to a further ballot or ballots. In all cases of ballot by the Convention, the President shall vote. All acts, addresses and resolutions shall be signed by the President, and all writs, warrants or subpœnaes, issued by order of the Convention, shall be under his hand and seal, attested by the Secretary. In case of any disturbance or disorderly conduct in the lobby, the President, or Chairman of the Committee of the whole Convention, shall have power to order the same to be cleared. Stenographers shall be admitted, and the President shall assign such places to them on the floor as shall not interfere with the convenience of the Convention.

2nd. *Of Decorum in Debate:*

When any member is about to speak in debate, or deliver any matter to the Convention, he shall rise from his seat uncovered and respectfully address himself to "Mr. President," or "Mr. Chairman" (as the case may be) and await the notice of the President, or Chairman, and shall confine himself to the question under debate, and avoid disrespectful personalities. If any member, when speaking or otherwise, transgress the rules of the Convention, the President *shall*, or any member may, call to order; in which case the member so called to order, shall immediately sit down, unless permitted to explain; and the Convention shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the person called to order, he shall be at liberty to proceed; if otherwise and the case require it, he shall be liable to the censure of the Convention. When two or more persons happen to rise at once, the President shall name the person who is to speak.

No member shall speak more than twice on the same question, without leave of the Convention; nor more than once, until every member choosing to speak shall have spoken. Whilst the President is putting any question, or addressing the Convention, none shall walk out of or across the House; nor whilst a member is speaking, shall he entertain private discourse, nor whilst a member is speaking shall he pass between him and the Chair. Every member who shall be in the Convention when a question is put, shall give his vote, unless the Convention, for special reasons, shall excuse him.

When a motion is made and seconded, it shall be stated by the President, or being in writing, it shall be handed to the Chair, and read aloud by the Secretary before it is debated. Every motion shall be reduced to writing, if the President or any member desire it.

After a motion is stated by the President or read by the Secretary, it shall be deemed to be in possession of the Convention, but may be withdrawn at any time before a decision or amendment.

When a question is under debate, no motion shall be received, unless to amend it, to commit it, or for the previous question; to postpone to a day certain, or to lay on the table, or to adjourn.

A motion to adjourn shall always be in order, and shall be decided without debate.

When a question has been made once and carried in the affirmative or negative, it shall be in order for any member of the majority, to move for the reconsideration thereof. The Convention shall have the power to compel the attendance of absent members.

No Member shall absent himself from the service of the Convention, unless he have leave, or be sick and unable to attend.

The first member named on a committee shall be Chairman of the same. The Convention may be resolved into a Committee of the Whole, for the discussion of any question that may be pending before the Convention. The Convention at all times shall be considered in session when the President takes the Chair, and the roll shall not be called unless on application of a member.

The Previous Question shall be in this form: "Shall the Main Question be now put?" And may be demanded by any member, if seconded; and if sustained by a majority, shall prevail; and, until it is decided, shall preclude all amendment and further debate of the Main Question.

The unfinished business in which the Convention was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion on any other business shall be received, without special leave of the Convention, until the former is disposed of.

On a motion made and seconded, a call of the Convention shall be had.

No member shall vote on any question, touching his own conduct in, or rights and privileges as a member of, this Convention.

The Secretary shall not suffer any records or papers to be taken from the table, or out of his custody, by any member or any other person, without leave of the Convention.

It shall be a standing rule of the Convention, that the President be authorized to call any member of the Convention to occupy the Chair, and exercise the functions of President until he may resume the Chair; with this proviso, that the power given by this rule shall not be construed to confer on the President a right to place any member in the Chair for a longer period than one day.

Upon the motion of any member, if seconded, the ayes and noes may be called for and spread upon the Journal. Any person voting in the negative of any proposition, shall have the right of entering his protest and reasons for such vote upon the Journals, provided he shall use no disrespectful personalities, in such protest, against any member of this Convention. After the question is put and the affirmative vote taken, there shall be no further debate.

The preceding rules shall be observed in Committee of the Whole, so far as they are applicable, except that part of the rule which restricts members from speaking more than twice upon the same question, and except the rule in regard to the Previous Question.

All resolutions shall lie on the table for one day for consideration, unless in special cases, when the Convention shall think proper to suspend the rule.

All of which is respectfully submitted,

ADAM HUNTSMAN, *Chairman.*

The foregoing report was read and adopted, and on motion of Mr. Huntsman, it was ordered, that one hundred and twenty copies thereof be printed, for the use and convenience of the members of this Convention.

On motion of Mr. John A. M'Kinney, ordered, that the Secretary make an alphabetical list of the members, together with the counties in which they respectively reside, and cause to be printed sixty copies thereof for the use of the Convention.

Mr. John A. M'Kinney's resolution of yesterday, directory to the Secretary of State, was on his motion, taken up, read and adopted.—

Ordered, that the Secretary furnish the Secretary of State with a copy thereof.

Mr. Porter submitted the following:

Resolved, That the 2nd section of article 5th, on the Judiciary, be so amended as to read as follows—"That the General Assembly shall, by joint ballot of both Houses, appoint Judges of the several Courts of Law and Equity, who shall hold their offices for the term of six years."

Resolved, That officers elected under the amended Constitution, shall at the expiration of the time for which they were elected, be eligible to re-election, except legally disqualified.

Resolved, That no officer under this government shall be elected for life, or during good behaviour.

The President presented the following communication from the Inspectors of the Penitentiary, to wit:

The Undersigned respectfully request the members of the Convention, to visit the Penitentiary on Saturday next, at 3 o'clock.

WM. CARROLL,
SAM. G. SMITH,
EASTIN MORRIS,
R. C. FOSTER,
MOSES RIDLEY.
Inspectors.

Thursday, May 22d, 1834.

On motion of Mr. Blount, ordered, that the foregoing invitation, be accepted and entered upon the Journals of the Convention.

Mr. Fogg submitted the following:

Resolved, That the Journals of the Convention shall be daily drawn up by the Secretary, and after being examined by the President, shall be printed, and one copy delivered to the Secretary, and one to each member without delay.

Mr. Smith the following:

Resolved, That all resolutions and petitions lying on the table, proposing amendments or alterations in the Constitution, be printed, and every member of the Convention furnished with one copy before they are called upon to act on the same.

And Mr. Senter the following:

1st. *Resolved*, That the Supreme Court of Errors and Appeals, shall consist of three Judges, who shall hold their offices for nine years, subject to the following restriction ; at the first election, one to be elected for three years, one for six years, and one for nine years.

2nd. *Resolved*, That the Judges of the Circuits, shall be divided into three classes by the General Assembly, after the adoption of the amended Constitution. The first Class to be elected for three, the 2nd for six, and the 3rd for nine years, and that their tenure of office shall be for nine years, subject to the restriction of the first elections.

3rd. *Resolved*, That the Chancellors be elected for nine years, reserving the right to the General Assembly to continue or abolish the Chancery Courts, and that all facts not admitted in the pleadings shall be found by a jury.

4th. *Resolved*, That all Judges shall be elected by the joint vote of the General Assembly.

Mr. Kimbrough's resolution of yesterday, prohibiting the introduction of resolutions, was on his motion taken up and read, and while under discussion,

The Convention, on motion of Mr Burton, adjourned.

Friday, May 23, 1834.

The Convention met according to adjournment, and was opened with prayer by the Rev. Mr. Pitts, of the Methodist Episcopal Church.

Mr. Hess submitted the following:

Resolved, That the President draft and make known to the Convention, the order in which business shall be taken up and acted upon; and the rule being suspended, said resolution was adopted.

Mr. Kincaid presented the memorial of sundry citizens of Bedford, Lincoln, Giles and Maury counties, praying an alteration or amendment of the 9th article, 4th section of the existing Constitution, which declares that, "No new county shall be established by the General Assembly, which shall reduce the county or counties, or either of them, from which it shall be taken, to a less content than six hundred and twenty-five square miles"—so as to authorise the General Assembly hereafter to lay off and establish new counties, where the same may be done without reducing the older counties, from which such new county may be taken to a less content than four hundred square miles. The said memorial being read at the Clerk's table,

Mr. Cahal moved its reference to the Committee on Propositions and Grievances.

Mr. J. A. M'Kinney moved that it be referred to a Select Committee.

Mr White moved to amend the motion of Mr M'Kinney, by referring it to a Select Committee of thirteen, to be composed of one member from each Congressional District; which amendment was accepted by Mr. M'Kinney.

Mr. Gray moved to lay the memorial on the table, but afterwards withdrew his motion, when Mr Greene submitted the following:

Resolved, That the Committee on Propositions and Grievances be increased to the number of thirteen, and that one member thereof be taken from each Congressional District in the State, and that all petitions and memorials presented to this Convention on the subject of reducing the boundaries of the old, and creating new counties, be referred to said committee.

Mr. Fulton thereupon renewed the motion to lay on the table, which prevailed.

On motion of Mr. Allen, the report of the committee, of which he is Chairman, made on yesterday and ordered to the table, was taken up and read.

Mr. Cahal offered the following in lieu of all the resolutions contained in the report, to wit: 1st. *Resolved*, That a Committee of fifteen, one of whom shall be from each Congressional District, be appointed, to take into consideration the Legislative Department of the Government, as established by the present Constitution, and report to this Convention whether any, and if any, what amendments or changes are necessary therein.

2nd. *Resolved*, That a Committee of fifteen, one from each Congressional District, be appointed, to take into consideration the Executive Department of the Government, as established by the present Constitution, and report to this Convention whether any, and if any, what amendments or changes are necessary therein.

3rd. *Resolved*, That a Committee of fifteen, one from each Congression District, be appointed, to take into consideration the Judicial Department of the Government, as established by the present Constitution, and report to this Convention whether any, and if any, what amendments or changes are necessary therein.

4th. *Resolved*, That a Committee of fifteen, one from each Congressional District, be appointed, to take into consideration the Bill of Rights, and all such parts of the present Constitution as cannot be exclusively and appropriately referred to either of the foregoing Committees, to inquire and report to this Convention whether any, and if any, what amendments or changes are necessary therein.

5th. *Resolved*, That all Resolutions, which propose an amendment or change in the present Constitution, be referred to the Committee having charge of that branch of the Government to which it properly belongs.

In lieu of which, Mr. CANNON offered his resolution of Wednesday last, declaring it expedient to go into Committee of the Whole, for the purpose of taking up, examining, and considering the existing Constitution in detail, by articles and sections.

And in lieu of all which, MR. KINCAID offered the following:

Resolved, That it is and will be the most expedient course of proceeding for the Convention to take up the Constitution by articles and sections, commencing with the first in the order in which they are arranged, and receive propositions to amend each article and section that may be thought to require amendment, acting upon the merits of each proposition after discussion and full deliberation, thereby making substantially the several amendments to the respective parts of the Constitution, which it would be deemed proper to make. And to attain those ends the more easily, the Convention could resolve itself into a Committee of the Whole upon any proposition or propositions, for the purpose of facilitating the business, when it would seem expedient to do so.

And while the same was under discussion, Mr. JOHN A. M'KINNEY moved an adjournment, which prevailed.

SATURDAY, MAY 24, 1834.

The Convention met according to adjournment, and was opened with prayer by the Rev. Mr. Garrett of the Methodist Episcopal Church.

MR. CAHAL presented the petition of sundry citizens of Maury county, on the subject of Emancipation:

And **MR. MONTGOMERY**, the petition of sundry citizens of Humphreys county, praying that the Tennessee river be made the dividing line between that and other counties:

Both of which were severally read and ordered to the table.

MR. HUNTSMAN submitted the following:

Resolved, That the Treasurer of Middle Tennessee make arrangements with either of the Banks in the city of Nashville, for such an amount of money as may be necessary for defraying the expenses of this Convention:

And that the Treasurer of the Western District be, and he is hereby directed, to transfer whatever public moneys may be in his hands, to the Treasurer of Middle Tennessee, at as early a period as practicable.

And the rule requiring resolutions to lie one day on the table being suspended, on motion of Mr. Huntsman, said resolution was adopted.

Mr. **CANNON** submitted the following:

Resolved, That the following be adopted as one of the Rules for the government of the proceedings of this Convention:

That when any subject or motion is under debate, and a motion is made to lay it on the table, it shall have precedence, and the question shall be decided without debate.

Mr. **M'GAUGHEY**, the following:

1st. *Resolved*, That the Convention take into consideration the propriety of amending the 2nd section of the 1st article, so as to insert the word 'free,' before the word taxable, so as to make it read 'free taxable inhabitants'; and that they strike from the present Constitution, so much of the 7th section as requires a person to possess, in his own right, in the county which he represents, not less than two hundred acres of land; and that they so amend the 24th section of the same article, as to prohibit members of the General Assembly from being eligible to any office where the power of appointment shall vacate his seat during the term for which he had been elected; and that they also so amend the 26th section, as to tax land according to quality.

2nd. *Resolved*. That the Convention take into consideration the propriety of so amending the 3d article of the present Constitution, as to allow no one individual more than one vote in any election; and that they amend the 3d section of said article, so as to require an individual who may be called on in the capacity of a Representative to vote, to give his vote *viva voce*, to be entered upon the Journals for the inspection of his constituents.

3rd. *Resolved*, That the Convention take into consideration the propriety of so amending the 3d section of the 4th article of the present Constitution, that no person shall be convicted without a concurrence of two thirds of the whole Senate.

4th. *Resolved*, That the convention so amend the 2d section of the 5th article of the present Constitution, which provides for the appointment of Judges of the several Courts of law and equity during good behaviour, as to require them to be elected for a limited period of five or seven years; and that they so amend the 12th section of the same article, as to give the election of Justices of the Peace and Constables, to the people of their respective Captains' Companies, to hold their offices for two years, and that the removal of any Justice of the Peace or Constable out of the company for which he was chosen, shall vacate his office.

5th. *Resolved*, That the Convention so amend the 6th article of the present Constitution, as to give the election of Sheriffs, Clerks, Trustees and Registers, to the people of the several counties, to hold their offices for two years, except Clerks, who ought to be elected for four years, and that the Circuit Courts be vested with power to try the impeachments of Justices of the Peace, and of all county officers.

6th. *Resolved*, That this Convention shall so amend the present Constitution, as to require it to be submitted to the good people of this State for their approval or rejection.

Mr. Neal, the following:

Resolved, That it is inexpedient for the Legislature of the State of Tennessee, to charter any Bank in the State, without making the individual property of the stockholders, both real and personal, liable for the redemption of the notes issued by such Banks, in proportion to the stock owned by each stockholder.

And the following:

In order to derive the greatest benefit from the right of trial by Jury—

Resolved, That great care ought to be taken, that none but qualified persons should be appointed to serve; and that jurors should be appointed in the following manner:

There should be one or more elected by the qualified voters in each Captain's Company, to serve for one year, who should receive for their services a compensation to be ascertained by law, and should be classed and serve in such a manner as shall be most conducive to an enlightened and impartial administration of the laws.

Mr. Nelson, the following:

1st. *Resolved*, That it is expedient for this Convention to take into consideration the propriety of regulating and restricting the right of appeal from such inferior to such superior Courts as are or may be established.

2nd. *Resolved*, That it is also expedient for the Convention to take into consideration the propriety of taking from County Courts all jurisdiction, except county business, and giving to the Circuit Courts jurisdiction of all jury trials.

And Mr. Blount, the following:

Resolved, That a General Committee of twenty six members, two from each of the Congressional Districts, be appointed to examine into the present Constitution of this State, according to the arrangement of he different articles, sections and miscellaneous provisions, including the Bill of Rights expressed therein, taking them up article by article, and section by section, beginning with

1st. The Bill of Rights:

2nd. The Legislative Department:

3rd. The Executive Department in chief, and its several branches —say State Department, Treasury Department, and the great body of the Militia:

4th. The Judicial Department, and the kind and character of the different Courts of law and equity or chancery composing said Department, including the office of Attorneys and Solicitors General, Clerks, Masters in Equity or Chancery; and also all ministerial officers, as Sheriffs, &c. for the service and execution of process; and also all Courts of municipal regulations, and the ministerial officers for the same; and to make special reports thereon, according to the above mentioned articles and provisions of them severally, in due order of common place arrangement respectively; and also to point out and enumerate specifically such amendments, if any, as experience of any defects of, or in said articles and provisions may have taught the necessity or propriety of amending, or of being added thereto in any of said three chief Departments, or in said Bill of Rights; and also clearly and emphatically to state in said report or reports, an enumeration of the powers proper to be delegated, the powers reserved to the people or intended to be reserved to them in the Bill of Rights, and also all powers prohibited in connection with the powers reserved in the Bill of Rights. Also, all powers granted to any one of the three chief Departments of the Government, as well as those prohibited to any other Department, whether said powers relate to the great general interests of the State, to those of the People, or to any particular department, or to any particular set of officers, or public functionaries; and so to be specified as that one department and its officers of administration shall not interfere with another, and in such manner as to show that our government shall be one of laws only, and not a government of men, and so as that every citizen shall have right and justice done him, safely and without oppression, quickly and without delay, without sale or denial, leaving nothing to construction.

2nd. *Resolved*, That said General Committee report all needful, or, in their opinion, any proper amendment respecting provisions for fixing and regulating the elective franchise, in point of age or other qualification, and for preserving the purity of all elections. That they report needed amendments in the provision relating to any qualification of any officers of any department of the Government, together with an outline of suitable checks therefor. That they report all needed amendments relating to general or special provisions of a miscellaneous character. That they report on the propriety or impropriety of changing the basis of representation from that of numbers to that of county, district or territorial basis, also the mode of permanently fixing said election districts not to be changed, and likewise the rule by which representation in the Senate and House of Representatives is to be fixed, subject to no change; as well as the number of Senators and Representatives to be elected in each house from each county or district, without increase or diminution of the number to compose either house of the Legislature. That they report on the propriety or impropriety of taking the power of impeachment from the Legislature, and of the trial of impeachments from it, and vesting that power of impeachment and trial, in courts of law of superior jurisdiction, to be proceeded on, as all other criminal offences, and under the right of trial by jury. That they report on the propriety or impropriety of vesting the power of granting divorces, in the courts of Law and not in the Legislature. That they report what change, if any, is proper to be made in levying State and County taxes, and in the mode of accounting for both the one and the other: also the mode of appropriating and accounting at stated periods for militia fines: and the mode of electing officers, whether by ballot or *viva voce*; also, suitable provisions in relation to the mode of promoting Internal Improvements by land or by water, and likewise of promoting education: the mode of filling vacancies in all offices either *pro tem.* or permanently: The mode of fixing on and settling just rules concerning Grand and Petit Jurors, summoning veniries, and the qualification of Jurors; also whether elections of Senators and Representatives and stated sessions of the Legislature shall be annual or biennial; also what body shall be vested with the power of granting charters of incorporation of general or local character, and particularly of the latter, for county objects and purposes.

3d. *Resolved*, That they report what alteration be necessary, if any, in relation to the limits and contents of counties in square miles, so as not to reduce the present counties to less contents than at present contained as established, and so that new counties may be created out of any surplus of territory of one or more counties adjoining each other, although such surplus may be less in square miles than the original constitutional county from which county or counties such surplus of territory may be found on survey to exist and be taken; so as to express, that no new county prayed for shall be less than a certain number of square miles, as nearly equal as may be to the contents of the original constitutional counties now established, and so as to leave the old counties as nearly in a square or oblong form as shall be found to be practicable; preferring it to be left square in all cases, if practicable, in preference to an oblong form.

4th. *Resolved*, That they report a clear and definite enumeration of checks on, or to guard against probable or possible abuses of power by the Legislature, or any other department or institution under the Constitution provided, or to be provided for, to be established, and as far as practicable prohibiting abuses of power by construction, too often run into even by bodies or departments of best intentions.

5th. *Resolved*, That they report suitable provisions in relation to slavery and emancipation, in such a manner as to put those subjects at rest, never to be interfered with by the Legislature under any circumstances.

6th. *Resolved*, That the object of this outline is not to interfere with, or in any manner to affect the right of the Convention to deliberate or act in Committee of the Whole; but to lead to some definite and proper course of proceeding to effect the important object, for the due consideration of which this Convention has been authorized by the people to be convened; or in other words to get before us something tangible, to act on with effect and for useful purposes and ends, in the shortest time and at the least expense to the State and people.

Mr ALLEN's report together with the amendments thereto, were taken up and read.

The President decided Mr KINCAID's proposition to amend, out of order.

Whereupon Mr GARRETT moved an adjournment, and the question thereon being had, "will the Convention adjourn," it was determined in the negative: Ayes 14, Noes 46. The ayes and noes being demanded by Mr ALLEN:

The affirmative voters are

Messrs President, Bradshaw, Blount, Garrett, Hodges, Huntsman, Hess, Kincannon, Kimbrough, Marr, Senter, Sharp, Walton and Webster—14.

The negative voters are

Messrs Allen, Armstrong, Alexander, Burton, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Gillespy, Greene, Gray, Gordon, Hill, Humphreys, Kelly, Kincaid, Kendall, Ledbetter, Loving, M'Clellan, Robert J. M'Kinney, John A. M'Kinney, Mabry, M'Gaughey ,Montgomery, Neal, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Smith, Smartt, Scott, Ury, Whitson, White and Weakley—46.

And so said motion was lost.

The question then recurred upon the reception of Mr CANNON's amendment in lieu of Mr CAHAL's and in lieu of the report of the Committee, and thereupon the question was submitted, "will the Convention receive said amendment?" and determined in the affirmative: Ayes 31, Noes 29. The ayes and noes being demanded,

The affirmative voters are

Messrs Armstrong, Alexander, Bradshaw, Blount, Cannon, Childress, Garrett, Gillespy, Gray, Hodges, Kincannon, Kendall, Mabry, M'Gaughey, Montgomery, Marr, Neal, Nelson, Porter, Roadman, Richardson, Robertson, Stephenson, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton and Weakley—31.

The negative voters are

Messrs President, Allen, Burton, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Greene, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kimbrough, Ledbetter, Loving, M'Clellan, R.

J. M'Kinney, John A. M'Kinney, Purdy, Ridley, Senter, White and Webster—29.

And so said amendment was received:

And then the Convention adjourned.

MONDAY, MAY 26, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Edgar, of the Presbyterian Church.

Mr NEAL presented the memorial of sundry citizens of M'Minn county, on the subject of emancipation:

Mr HESS, the memorial of sundry citizens of Gibson county, on the subject of new counties:

Mr SENTER, the memorial of sundry citizens of Rhea county, on the subject of emancipation:

Mr M'CLELLAN, the memorial of sundry citizens of Washington, Greene and Hawkins counties, on the subject of new counties:

The PRESIDENT announced from the chair the memorial of sundry citizens of this state, on the subject of emancipation:

And also the duplicate returns of the elections, for Delegate to the Convention from Carter county:

All of which said memorials and returns were ordered to lay upon the table.

Mr HUNTSMAN, at the request of Mr John A. M'Kinney, made a motion, to reconsider the vote of Saturday last, on the adoption of the resolution relating to an arrangement to be made between the Treasurer of West Tennessee and the Banks; and the question being put by the Chair, it was determined in the negative; Ayes 28, Noes 32.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs President, Allen, Armstrong, Bradshaw, Childress, Douglass, Fulton, Gray, Gordon, Hodges, Kimbrough, Ledbetter, M'Clellan, R. J. M'Kinney, John A. M'Kinney, Mabry, M'Gaughey, Neal, Nelson, Roadman, Richardson, Robertson, Stephenson, Senter, Smith, Smartt, Scott and Whitson—28.

The negative voters are,

Messrs Alexander, Burton, Blount, Cannon, Cahal, Cobbs, Cheatham, Cross, Fogg, Garrett, Gillespy, Greene, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Loving, Montgomery, Marr, Porter, Purdy, Ridley, Sharp, Ury, Walton, White, Webster and Weakley—32.

And so said motion was lost.

The amended report of the Committee, of which Mr Allen is chairman, was taken up:

Mr Cahal made a motion, to adopt the resolutions, introduced by him on Tuesday last, as a substitute and in lieu of the amended report. The chair decided said motion to be out of order:

Mr Douglass offered resolutions, as a substitute and in lieu of the report. The chair decided that it would be out of order to consider the resolutions:

And then Mr Kincaid made a motion, to adopt the resolutions introduced by him on Friday last, as a substitute and in lieu of the report; and the question on Mr Kincaid's motion being put by the chair, it was determined in the negative. Ayes 14, Noes 45.

The ayes and noes being demanded

The affirmative voters are,

Messrs Allen, Cahal, Douglass, Greene, Kelly, Kincaid, Kendall, M'Clellan, John A. M'Kinney, M'Gaughey, Richardson, Smartt, Scott and Webster—14.

The negative voters are,

Messrs President, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kincannon, Kimbrough, Ledbetter, Loving, R. J. M'Kinney, Mabry, Montgomery, Marr, Nelson, Porter, Purdy, Roadman, Ridley, Robertson, Stephenson, Senter, Smith, Sharp, Ury, Whitson, Walton, White and Weakley—45.

And so said motion was lost.

The question then recurred upon the adoption of said report, as amended, and the question thereupon was submitted, "will the Convention adopt said report as amended?" which was determined in the affirmative—Ayes 36, Noes 23.

The ayes and noes being demanded

Those who voted in the affirmative were,

Messrs. Armstrong, Alexander, Bradshaw, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Garrett, Gillespy, Gray, Gordon, Hodges, Hess, Kincannon, Kendall, Mabry, M'Gaughey, Montgomery, Marr, Neal, Nelson, Porter, Purdy, Roadman, Richardson, Robertson, Stephenson, Smith, Smartt, Sharp, Scott, Ury, Whitson and Weakley—36.

The negative voters are,

Messrs. President, Allen, Burton, Cross, Douglass, Fulton, Fogg, Greene, Hill, Huntsman, Humphreys, Kelly, Kincaid, Kimbrough, Ledbetter, Loving, M'Clellan, R. J. M'Kinney, John A. M'Kinney, Ridley, Senter, White, and Webster—23.

And so said report as amended was adopted.

The President announced from the chair, the report of the Secretary of State, made in obedience to a resolution adopted by the Convention on the 21st.

The report was read and, on motion of Mr. Huntsman, one hundred and twenty copies thereof were ordered to be printed.

On the motion of Mr. Huntsman, the resolution introduced by him on Tuesday last, ordering that one hundred copies of the Constitution be printed, was taken up and adopted.

On motion of Mr. Marr, the resolution introduced by Mr. Cannon on Saturday, proposing to amend the rules, was taken up and adopted.

Mr. **Stephenson** submitted the following:

Resolved, That when any matter has been presented for the consideration of the Convention, and is in its possession, it shall not be in order for any Delegate to offer any resolution, or make any motion, substantially the same, except by way of amendment.

The Convention resolved itself into Committee of the Whole, on the existing Constitution of this State, Mr. Cannon in the Chair, and, after much discussion upon the various propositions touching the subject under consideration, the Committee rose, reported progress, asked and obtained leave to sit again:

And then the Convention adjourned.

Tuesday, May 27, 1834.

The Convention met according to adjournment, and was opened with prayer by the Rev. M. Edgar, of the Presbyterian Church.

The **President** presented the memorial of sundry citizens of Carter county, praying a constitutional provision authorizing the General Assembly to divide old, and establish new counties—and,

Mr. **Roadman**, the petitions of sundry citizens of the counties of Cocke and Sevier, upon the subject of emancipation:

All of which were severally read and ordered to the table.

Mr. **Cannon** submitted the following:

Resolved, That no proposition, amendment, or alteration, that has heretofore been proposed or may hereafter be proposed or offered, to the existing Constitution, shall be considered to be fully and finally adopted, so as to make it part of the amended Constitution, until it shall have been read and considered, at least three times on three different days, and be sustained each time by a majority of the members (present) of this Convention.

Mr. **Allen**, the following:

Resolved, That the Committee of the Whole, to whom has been referred the present Constitution of the State of Tennessee, be directed to inquire into the expediency of amending so much thereof as will change the tenure by which the Judges of the several Courts of Law and Equity, and Attorneys for the State, hold their offices, by striking out all that part of the 2nd section of the 5th article that follows the word "State," and insert in lieu thereof the following, viz: "Who shall hold their respective offices during the term of four years." Also, by striking out the 10th section of the 5th article, and inserting in lieu thereof the following, viz: "The supreme Court, or the Court of the last resort, shall appoint its own clerk or clerks, who shall hold their offices during the term of four years. The clerks of the other courts established by law shall be elected by the freemen, entitled by the constitution to vote for members to the General Assembly, in the County, Circuit or District (as the case may be) that composes the jurisdiction of the court, for the term of two years." Also, by striking out the 12th section of the 5th article, and inserting in lieu thereof, the following, to wit: "there shall be for each county, Justices of the Peace and Constables, not exceeding two Justices and one Constable, in and for each Captain's company, who shall be elected by the freemen within the bounds of the company in which they reside, entitled to vote for members to the General Assembly, for the term of two years, in such manner, and at such times and places as the Legislature may prescribe." Also by striking out the 1st section of the 6th article, and inserting in lieu thereof the following, viz: "There shall be elected in each county by the freemen entitled to vote in the same for members to the General Assembly, one Sheriff, one Coroner, one Trustee, one Register, and one Ranger, to serve for the term of two years, in such manner, and at such times and places, as the Legislature may prescribe." "All persons holding offices under the Constitution for a term of years, shall at the expiration of the same, be eligible for re-election, unless special provision, to the contrary, in the Constitution be mentioned."—And

Mr. HODGES, the following:

Resolved, That the Judges of the Supreme and Circuit Courts, shall hold their offices for the term of four years and no longer; subject, however, to re-election by the qualified voters of their respective districts, who shall vote by the word of mouth, or *viva voce*. All elections for officers of government, shall be by the people; all young men, eighteen years of age shall be entitled to vote, or not be compelled to do military duty until they arrive at twenty one years of age.

Resolved, That Justices of the Peace shall be elected by the Captain's Companies in the bounds of which they may respectively reside, and shall be commissioned by the Governor for the term of four years.

Resolved, That the salaries of the Judges of the Supreme and Circuit Courts shall not exceed one thousand, nor the salary of the Governor fifteen hundred, dollars per annum.

The resolution submitted on yesterday, by Mr. Stephenson, prohibiting the introduction of amendments or propositions to amend the existing Constitution, where similar amendments or propositions may have been previously submitted, was taken up, read and rejected.

Mr. CROSS submitted the following:

Resolved, That the House of Representatives shall not consist of less than sixty two, nor more than seventy members, until the number of the inhabitants shall be one million, and after that event, the whole number of Representatives shall never be less than eighty, nor more than one hundred; *provided, however*, that each county having one thousand voters, shall be entitled to at least one Representative.

Mr. BURTON, the following:

Resolved, That it is not expedient for the advancement of the public good, that there should be any increase to the present number of members, in the Senatorial or Representative branches of the Legislature of this State.

Mr. RICHARDSON, the following:

Resolved, That the present Constitution of this State ought to be amended so that lands and all other property, liable to taxation, shall be taxed according to its value:

That, the possession or ownership of land ought not to be a necessary qualification for the office of Governor, or for a seat in either branch of the General Assembly:

That, all county officers, including Justices of the Peace, and clerks of the County and Circuit Courts, ought to be elected by the people of their respective counties for a term of years; and that Constables have no jurisdiction in civil cases beyond the limits of the captain's company in which they reside; and that the removal of a Justice of the Peace beyond the limits of the captain's company in which he resided at the time of his appointment, shall be held and deemed a vacation of office:

That, the General Assembly shall, by joint ballot, elect the Judges of the courts of Law and Equity, and that they shall hold their offices for a term of years:

That, the jurisdiction of the County courts, in matters of law, be abolished, and that they be constituted courts or tribunals solely of business for the county:

That, the commissioned officers of the militia of this State, shall be elected by those citizens in their respective districts, who are subject to military duty:

That, all persons shall be entitled to vote for Governor and members of the General Assembly, so soon as they are liable or subject to do military duty:

That, at all elections by the people and by the General Assembly, the mode of voting shall be *viva voce*.

That all elections by the people shall be holden for one day only.

Resolved, That the representation in the representative branch of the Legislature of the State, shall be fixed upon the basis of population; that each county possessing a population of eight hundred free male taxable inhabitants, over the age of twenty one years, agreeably to the enumeration of 1833, shall be entitled to one representative; and each county possessing a population of twenty five hundred, qualified as above by the said enumeration, shall be entitled to two representatives, and no county shall be entitled to more than two representatives.

Resolved, That the representation in the lower branch of the General Assembly shall be apportioned, among the several counties of the State every —— years, upon the above basis of representation.

Mr. Purdy, the following:

Resolved, That the present Constitution be so amended, that the different counties in this State be laid off into Districts or Townships, so that there shall not be more than twelve Districts in each county which shall be laid off according to law.

Resolved, That the 12th section of the 5th article of the existing Constitution be so amended, that there shall be two Justices of the Peace elected for each township by the qualified voters thereof, who shall be commissioned by the Governor, and hold their offices for the term of five years, whose jurisdiction and duties shall be regulated by law.

Mr. PORTER, the following:

1st. *Resolved*, That the present Constitution be so amended as to read as follows: "Within —— years after the first meeting of the General Assembly, and within every subsequent term of ten years, an enumeration of the taxable inhabitants, shall be made in such manner as shall be directed by law, said enumeration to take place at the time heretofore pointed out by the Federal Constitution; and the number of representatives, shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties according to the number of free taxable inhabitants in each, and shall never be less than the present number, nor greater than seventy five.

2nd. *Resolved*, That the 3rd section of the 1st article of the present Constitution be so amended as to read as follows: "The number of senators shall, at the several periods of making the enumeration before mentioned, (in the amendment to the 2nd section of the 1st article) be fixed by the Legislature, and apportioned among the districts formed as hereinafter directed, according to the number of free taxable inhabitants in each, and shall never be less than one third, nor more than one half the number of representatives."

3rd. *Resolved*, That the 5th section of the 1st article of the present Constitution be so amended, as to read as follows: "The first election of senators and representatives, shall take place under the provisions of the present Constitution, on the first Thursday in August, 1835, terminating on the succeeding day, at the places now pointed out by law; at which time and places each qualified voter under the present Constitution, shall vote for or against the adoption of the revised Constitution. And if a majority of the qualified voters shall vote against its adoption, then said revised Constitution shall be null and void, and the present Constitution shall remain in full force and virtue; but if otherwise, the revised Constitution shall be considered as adopted." And,

Mr. GREENE, the following:

1st. *Resolved*, That an enumeration of the free white taxables shall be made every six years, commencing from the year 1833, and the number of representatives shall at the several periods of making such enumeration, be apportioned amongst the several counties, according to the number of free white taxable inhabitants in each, and shall not exceed fifty Representatives until the population of the State shall amount to one million of souls, and after that event, at such ratio, that the whole number of Representatives shall not exceed seventy:

The number of Senators shall, at the periods of making the enumeration before mentioned, be apportioned according to the number of free white taxable inhabitants in each district, and shall be one half the number of Representatives. When a district is composed of two or more counties, they shall be adjoining, and no county shall be divided in forming a district.

The polls at all elections for Senators and Representatives, shall be closed at sunset on the first day of the election, and in no case shall the election be continued for more than one day, unless from high water, or other unavoidable cause, the voters should be prevented from attending the first day, in which case, the Judges of the election shall keep the polls open until the evening of the second day.

All free white male citizens who have resided in the State four years, and in the county one year immediately preceding the election, and who, if a Representative, shall have attained the age of twenty five, and if a Senator, the age of thirty years, shall be eligible to a seat in the General Assembly.

No member of the General Assembly shall be eligible to any office or place of trust during the period for which he was elected a member thereof, except to such office or trust as he may be elected to by the people.

All lands in this State held by deed, grant or entry, shall be classed into four classes, and taxed accordingly.

Mr. Cahal moved a suspension of the rule requiring resolutions to lie one day on the table, so as to cause to be referred the foregoing resolutions, together with others heretofore submitted, proposing amendments or changes to the existing Constitution, to the Committee of the Whole: and the sense of the Convention being thereupon had, said motion was rejected.

Mr. Childress submitted the following:

Resolved, That this Convention, when in Committee of the Whole, shall, as before required, take up the Constitution, article by article, and section by section, so that each member, without discussion, may make their several propositions, to be laid on the table, so that, when the Committee of the Whole rise and report progress, said amendments, as proposed in Committee of the Whole, be referred to the several Committees to be raised; as follows: one on the Executive, the Judiciary and Legislative Departments, and on the Bill of Rights.

Mr. Childress moved a suspension of the rule, so as to put the foregoing resolution upon its adoption; which motion was lost.

Mr. Ledbetter submitted the following:

1st. *Resolved*, That all elections, whether by the people, the Legislature or the County Courts, shall be *viva voce*.

2nd. *Resolved*, That the right of suffrage be taken from free colored persons, and that they be exempted from military service.

3rd. *Resolved*, That divorces from the bonds of matrimony, shall not be granted, but in cases provided by law, by suit in Chancery.

4th. *Resolved*, That there shall be one general rate of interest in this State, which may be changed by law, from time to time, so that every person and corporation be allowed the same rate.

Mr. Bradshaw, the following:

Resolved, That the 2nd section of the 1st article of the present Constitution be amended as follows, to wit: "Within four years after the first meeting of the General Assembly, and within every subsequent term of eight years, an enumeration of the free white taxable inhabitants shall be made, in such manner as shall be directed by law; and the representative districts, shall at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties, according to the number of free white taxable inhabitants in each, at such ratio, that the whole number of representatives shall never exceed forty."

Mr. JOHN A. M'KINNEY moved that the memorials in relation to new counties be taken up and referred to a select committee, consisting of thirteen members (one from each Congressional District) which motion was decided by the Chair, to be out of order.

Mr. GRAY submitted the following:

Resolved, That the 2nd, 3rd and 4th sections of the 1st article of the Constitution of this State, be so amended as to read as follows; viz:

1st. "In the year 1839, and within every subsequent term of eight years an enumeration of the free taxable inhabitants shall be made, in such manner as shall be directed by law; the number of Representatives shall be one from each county, and no more.

2nd. "The number of Senators shall, at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned among the districts as hereinafter directed, according to the number of free taxable inhabitants in each, and shall never be less than one third nor more than two fifths of the number of Representatives.

3rd. "The Senators shall be chosen by districts, to be formed by the Legislature, each district containing such a number of taxable inhabitants as shall be entitled to elect one Senator; and when a district shall be composed of two or more counties, they shall be adjoining, and no county shall be divided in forming a district."

Mr. SHARP, the following:

1st. *Resolved*, That the 2nd section of the 1st article of the Constitution, be so amended, as to authorize the enumeration to be taken every six years, instead of every seven years.

2nd. *Resolved*, That all lands liable to taxation in this State, ought to be taxed according to quality; and that the same ought to be classed and that each town lot ought to be taxed according to value.

3rd. *Resolved*, that every individual subject to military duty shall be permitted to vote for Senators and Representatives to the General Assembly, Governor and members of Congress.

4th. *Resolved*, That all free male inhabitants over the age of eighteen be authorized to vote for military officers.

5th. *Resolved*, That a residence in the State of two years, shall be sufficient residence to authorize an individual to serve in the Legislature of the State; and that such a provision be inserted in the Constitution as shall supercede the necessity of a property qualification, and shall secure to merit and talent alone, the right to represent a free people.

6th. *Resolved*, That Judges ought to be elected every four years, and be eligible for a second term; and that Solicitors General be elected for a term of four years, and that they likewise be eligible to a second election: that the Clerks of the Circuit Courts be elected, for a period of four years, by the qualified voters of each county: and that all other county officers be elected by the people, for the term of two years: that each Captain's company elect its own Constables and Justices of the Peace: and that all offices, whether of Justices of the Peace or Constables, shall become vacant on the removal of the incumbent from the Captain's company for which he was elected.

7th. *Resolved*, That each county in the State ought to have one Representative, and that every two counties ought to have one Senator: and that the Legislature ought to meet every two years: and that the Governor should have power to convene the General Assembly on extraordinary occasions; provided they attend, exclusively, to the business for which they were convened.

And Mr. Fogg, the following:

Resolved, That not more than one hour in each day, shall be devoted to the subject of resolutions, which shall be after the other morning business is disposed of; after which the unfinished business shall be taken up.

On motion of Mr Fogg, the resolution heretofore submitted by him, requiring the Secretary to furnish the printers daily, with a copy of the Journal, so as to enable them to furnish each member with a printed copy thereof, was taken up and read:

In lieu of which, Mr. Douglass submitted the following:

Resolved, That the Secretary of the Convention, if he shall find it necessary, be authorized and required to employ a clerk, to furnish the printers to the Convention, with a true and perfect copy for publication, on the evening of each day, of the proceedings of the Convention; one copy of which shall be laid on the table of each member, if practicable, on the next day: provided, however, that the Secretary shall dismiss said Clerk so soon as he may be enabled, in addition to his regular duties, to perform the services required of said Clerk.

Said amendment was accepted by Mr. Fogg, and thereupon the question was submitted "will the Convention adopt the resolution?" and determined in the affirmative—Ayes 34, Noes 26.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Douglass, Fulton, Fogg, Garrett, Greene, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kincannon, Kimbrough, Ledbetter, Robert J. M'Kinney, John A. M'Kinney, Marr, Nelson, Porter, Purdy, Richardson, Ridley, Ury, Whitson, White and Weakley—34.

The negative voters are

Messrs. President (Carter) Armstrong, Cahal, Cobbs, Cheatham, Cross, Gillespy, Kelly, Kincaid, Kendall, Loving, M'Clellan, Mabry, M'Gaughey, Montgomery, Neal, Roadman, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Walton and Webster—26.

And so said resolution was adopted.

On Motion of Mr. M'Gaughey, the Convention resolved itself into a Committee of the Whole, Mr. Cannon in the Chair, on the existing Constitution; and, after some time spent in consideration thereof, the Committee rose, reported progress, and asked and obtained leave to sit again on tomorrow.

Mr. Burton submitted the following:

1st. *Resolved*, That every report that may hereafter be made by any committee, now raised or that may hereafter be raised, shall be read on three several days, and receive the distinct action of the Convention on each day, before the same shall be considered as adopted or rejected.

2nd. *Resolved*, That every resolution, proposing an amendment to the Constitution of this State, shall be read on three several days, before it shall receive the final action of the Convention, unless said resolution shall, on motion, be first referred to the committee to which it may appropriately belong.

3rd. *Resolved*, That every proposition to amend the Constitution shall be in the form of a resolution, and shall be reduced to writing by the mover of the same.

4th. *Resolved*, That the above constitute a part of the standing rules for the government of the Convention, and likewise for the government of the Committee of the Whole, so far as they may be applicable.

And then the Convention adjourned.

WEDNESDAY, MAY 28, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Edgar of the Presbyterian Church.

Mr. Stephenson presented the memorial of sundry citizens of Washington county, on the subject of emancipation; which was read, and ordered to the table.

Mr. Walton presented the memorial of sundry citizens of Smith and Sumner counties, in relation to new counties; which being read, he moved its reference to the Committee on Propositions and Grievances:

Mr. Allen moved that it be ordered to the table, which last motion prevailed.

Mr. Cheatham submitted the following:

Whereas, it is a subject of vital importance to the good people of the State of Tennessee, that the Seat of Government should be permanently located: And whereas, the location of the Penitentiary, and the location of the Union Bank (in each of which the State has a deep interest) are located in the town of Nashville: And whereas, it is important in future to prevent an inroad upon legislation, and quietly to settle the important question; be it, therefore, *Resolved*, That the 1st section of the 10th article be so amended as to permanently fix and locate the Seat of Government in the town of Nashville.

Mr. Nelson, the following:

Resolved, That the Convention, in Committee of the Whole, take into consideration the propriety of making a constitutional provision, which will discontinue the present Chancery Courts, and give to each Circuit Court in the State, one term in each year, exclusively devoted to the transaction of chancery business.

Mr. Roadman, the following:

1st. *Resolved*, That the 2nd section of the 1st article of the Constitution, should be so amended, that the period for taking the enumeration of taxable inhabitants, should accord with that of the United States, and should read thus: "*Resolved*, That the enumeration of taxable inhabitants be made once in ten years, commencing——"*Resolved*, That each county shall have one Representative."

2nd. *Resolved*, That the 3rd and 4th sections of the said article be amended so as to read thus: "Resolved, That the number of Senators shall at no time be less than one third, nor more than one half the number of Representatives, to be chosen by Districts, to be formed by the Legislature in proportion to population, so that no county shall be divided in forming a District."

3rd. *Resolved*, That the 20th section in the said article should be altered thus: "Resolved, That the members of the next Legislature shall receive for their services —— dollars per day, and —— dollars for every thirty miles travelling in going to, and returning from, the General Assembly."

4th. *Resolved*, That each Legislature shall fix the wages for the next succeeding one.

5th. *Resolved*, That the 26th section of said article be stricken out, and the following inserted: "Resolved, That all lands liable to taxation in this State held by deed, grant, or entry, shall be taxed in proportion to their value; estimated as first, second, third and fourth rate: Town lots in proportion to their value."

6th. *Resolved*, That the 2nd section of the 5th article, be amended so as to read thus: "Resolved, That the Judges of the several courts of law and equity, and Attorneys for the State, shall be elected by joint ballot of both Houses of the General Assembly, for a term not less than six, nor more than eight years, and shall be re-eligible.

7th. *Resolved*, That the 12th section of the 5th article, and the 1st section of the 6th article, be each amended so as to read thus: "Resolved, That there shall be two Justices of the Peace for each Captain's company in the county, and three for the company which includes the county town, who shall reside in their respective companies, to be elected by the qualified voters in each company, to hold their offices for four years and to be re-eligible. Clerks of County and Circuit Courts, to be elected by the qualified voters of the county for four years, and be re-eligible. Sheriffs, Constables, Coroners and Trustees, to be elected by the qualified voters of the county for two years, and be re-eligible."

8th. *Resolved*, That the 1st, 2nd, 3rd and 4th sections of the 7th article be so amended as to read thus: "Resolved, That all military officers shall be elected by the citizens who are subject to military duty."

9th. *Resolved*, That the 3rd section of the 10th article be so amended as to read thus: "Resolved, That whenever two thirds of the Legislature shall recommend amendments to this Constitution, they shall submit the same to the people, and if a majority of the people shall approve of said amendment, it shall be ratified by the next succeeding Legislature, provided said amendments shall not extend to more than one article at any one session."

On motion of Mr. Roadman, ordered that the resolution heretofore offered by him, on the 21st instant, be appended to the foregoing.

Mr. Smith submitted the following:

1st. *Resolved*, That an extension and frequent exercise of the right of suffrage, is consistent with the principles of free government, and in order to secure a faithful discharge of the duties of public servants, and the requisite rotation in office, for a strong attachment to our institutions, no person shall be elected to an office for life or during good behaviour; but the tenure of all offices shall be limited to such a period of time, as sound policy may require, and incumbents placed before the constitutional electors to stand a re-election.

2nd, *Resolved*, That no property qualification shall be required to exercise the right of suffrage: nor shall it be necessary to make any person eligible to office.

3rd. *Resolved*, That equality and a safe protection of the rights of the people in all the different sections of the State, require a representation based upon population and territory combined.

4th. *Resolved*, That the members of the General Assembly shall be elected as provided for in the present Constitution, and shall meet once in two years.

5th. *Resolved*, That no session of the Legislature shall continue longer than sixty days.

6th. *Resolved*, That when the Legislature shall be convened by the Governor, upon extraordinary occasions, their deliberations shall be confined exclusively to the subjects and business for which they were convened, and no other.

7th. *Resolved*, That each county in the State shall be entitled to elect one Representative and no more.

8th. *Resolved*, That the State shall be laid off into thirty Senatorial districts, according to population; and the districts shall elect one Senator each, who shall be a citizen of the district for which he is elected.

9th. *Resolved*, That the compensation of the members of the Legislature (except the first that may convene under the new Constitution) shall be determined at the session preceding the one for which they are elected, and shall never exceed —— dollars per diem.

10th. *Resolved*, That the enumeration of the qualified voters in the State, shall be taken once in every —— years, and the representation in the Senate shall be apportioned at the first session thereafter, based upon such enumeration; but the whole number of Senators never to exceed thirty.

11th. *Resolved*, That the Governor shall be elected by the qualified voters in the State, and exercise such powers as are vested by the present Constitution—and that his compensation shall not be increased or decreased during the time for which he is elected, but shall never exceed —— hundred dollars per annum.

12th. *Resolved*, That the Governor shall not be eligible more than four years in any term of six.

13th. *Resolved*, That the Judges of the Supreme Courts (and Chancellors, should such tribunals be established) shall be elected by the Legislature, in joint ballot, for a period of time not exceeding —— years, and be re-eligible; whose salaries shall never exceed —— dollars per annum.

14th. *Resolved*, That the Judges of the Circuit courts shall be elected by the qualified voters of the respective judicial districts, for a period of time not exceeding —— years; whose salaries shall never exceed —— dollars per annum.

15th. *Resolved*, That the Clerks of the Circuit and County Courts, the Sheriffs, Coroners, Entry Takers, Registers, County Trustees, Rangers and all officers having the care of public monies, including those having the care of education or common school funds, shall be elected by the qualified voters of the county—and that the Clerks shall hold their offices four years, and the other officers herein mentioned two years, all re-eligible.

16th. *Resolved*, That the Justices of the Peace and Constables, shall be elected by the qualified voters of the respective Captains' Companies; the Justices for four years, and Constables for two years, and re-eligible; but the office to be vacated by removal out of the bounds of the company for which they are elected.

17th. *Resolved*, That all lands shall be classed in three or more classes, and valued by the owner or agent according to classification, and be taxed in proportion to value, reserving to the Legislature the power to provide a penalty for a false valuation.

18th. *Resolved*, That the town lots, with their improvements, and slaves shall be valued and taxed in like manner.

19th. *Resolved*, That all Bank stock, Brokers and Exchange offices, whether with or without a charter—capital invested in large establishments of every description, when in active operation—all incorporated companies and associations having exclusive privileges by law—and all active capital, including money at interest, shall be fit subjects of taxation.

20th. *Resolved*, That the valuation of land and the tax levied thereon shall be the basis by which all other taxation shall be regulated.

21st. *Resolved*, That the formality of presentment and indictment shall be dispensed with in the trial for assault and battery, and other minor offences, and Justices of the Peace shall have power to hear and determine such causes, with the right to empannel a jury to try facts.

22nd. *Resolved*, That no free man shall be required to work on roads or perform military duty, until he is entitled to exercise the right of suffrage.

23rd. *Resolved*, That no person shall hold more than one office of profit at the same time.

24th. *Resolved*, That the Legislature be restricted from the exercise of the power of granting divorces, and that no divorces shall be made but such as may be granted by the judicial tribunals of the country.

25th. *Resolved*, That the Legislature shall not be authorized to grant the privilege of drawing lotteries of any kind, or for any purpose.

Mr. Robertson, the following:

1st. *Resolved*, That in the year 1840, and in every subsequent term of ten years, an enumeration of the inhabitants of the State shall be made, in such manner as shall be directed by law, and that the number of Representatives, shall at the several periods of making such enumeration, be fixed by the Legislature, and apportioned amongst the different counties according to population, in such proportion that no county shall have more than two Representatives, nor shall more than two counties be put together to form a district.

2nd. *Resolved*, That until the year 1840, the number of Representatives shall not exceed sixty two; and after that period may be increased to seventy-five, and apportioned amongst the several counties in the same ratio as heretofore mentioned.

3rd. *Resolved*, That the number of Senators shall at the several periods of making the enumeration before mentioned, be fixed by the Legislature, and apportioned amongst the different counties according to their population, and shall never be less than one third, nor more than two fifths of the number of Representatives; the Senators to be chosen by districts, to be formed by the Legislature, each district to contain such a number of inhabitants as shall be entitled to elect not more than two Senators, and when a district shall be composed of two or more counties, they shall be adjoining, and no county shall be divided in forming a district.

Mr. Huntsman, the following:

Resolved, That any arrangement made by the Treasurer of West Tennessee, with any or either of the Banks, for as much money as may be indispensable for defraying the expenses of this Convention, under a resolution adopted on the 24th day of May, 1834, be considered as obligatory upon the State, to repay said sums out of the ordinary revenue of the State as soon as received, with common interest thereupon:

Mr. **Huntsman** moved a suspension of the rule requiring said resolution to lay on the table one day:

Mr. **Kimbrough** moved that it be ordered to the table, which prevailed.

Mr. J. A. **M'Kinney**, the following:

Resolved, That it is inexpedient to fix the Seat of Government by the Constitution, it being the proper business of the Legislature to fix the Seat of Government.

Mr. **Kimbrouch**, the following:

Resolved, That no other amendment should be made to the 2nd section of the 1st article, but the insertion of the "term of ten years" in the place of the "term of seven years."

Mr. **Fogg's** resolution of yesterday, providing that not more than one hour, in each day, should be devoted to the subject of resolutions, was on his motion taken up, read and adopted.

Mr. **Fulton** submitted the following:

Resolved, That provision be made in the Constitution, that the present Judges of the Supreme Court, Chancellors and Judges of the Circuit Courts, shall remain in office until the termination of the session of the first Legislature elected under this Constitution, and no longer.

Mr. **Kincannon**, the following:

Resolved, That the Secretary of State be directed to report to this Convention, *as nearly as practicable*, the true geographical centre of this State, according to the boundaries as at present claimed, having no regard to population.

On motion of Mr. **Burton**, it was ordered, that all resolutions proposing amendments or alterations to the existing Constitution, submitted previous to this day, be referred to the Committee of the Whole.

On motion of Mr. **Allen**, the Convention resolved itself into Committee of the Whole, on the Constitution, Mr. Cannon in the Chair and after some time spent in the consideration thereof, the Committee rose, reported progress, and asked and obtained leave to sit again.

Mr. **Huntsman**, from the Committee to whom was referred the Memorial of Col. Edward Ward, contesting the election of Adam R. Alexander, Esq., the delegate from the county of Shelby, reported, that the Committee have had the same under consideration, and had instructed him to report in part the following:

"That upon an inspection of the testimony submitted by both of the gentlemen, your committee were of opinion, that it did not come within the rules of testimony, and could not be received by them, as such, unless the parties would agree to waive all irregularities and legal exceptions, and submit it for the action of the committee as legal evidence, and to be so considered by them. With this view several communications between those gentlemen and the committee were had, and several personal conferences also; your committee were favoured by the arguments of Counsel upon all the law points, and these having been settled, nothing but the facts remains to be investigated.—Both of the gentlemen claiming the seat, have manifested most strongly a disposition to have this controversy adjusted in a fair, open and strictly honorable manner, and have exercised the most friendly deportment towards each other; they have therefore relieved the committee and the Convention from much embarrassment, by an amicable arrangement between themselves, that such testimony as has been taken by notice or by list interchanged and furnished to each other, shall be considered by the committee as legal: for such portions of the evidence as have been taken by either party already, and in relation to which no lists have been furnished the other, that rebutting testimony may also be taken, and that either shall be at liberty to take additional testimony at any time, so that it can be returned by Friday 17th June in order thereby to dispose of the controversy finally.

"Your committee have been assured, by the before mentioned gentlemen, that it would be a source of mortification to them, to find it necessary, for the attainment of justice, to cause the attendance of witnesses to give testimony in this behalf; yet, as the interest of Shelby county is deeply interested in the question, they must ask of your honorable body, through the committee, for the power to send for persons and papers, and for such process as will compel the attendance of witnesses, under such pains and penalties as you may prescribe.

Your committee therefore recommend the adoption of the following resolutions.

"1st. *Resolved*, That commissions to take depositions and subpœnas for witnesses be granted to either party, to take depositions before any Justice of the Peace for Shelby county, either with or without notice, as the parties may agree upon; which shall be read as evidence before the committee.

"2nd. *Resolved*, That if any witness or witnesses shall fail or refuse to attend, for the purpose of giving testimony, when legally summoned in this behalf, he, she or they, shall be subject to all the pains and penalties that witnesses are liable to, who are summoned in the Circuit courts of this State, and who refuse to attend."

On motion of Mr. **Burton**, the foregoing report was ordered to the table.

On motion of Mr **Roadman**, the Convention again resolved itself into a Committee of the Whole, Mr. Cannon in the Chair, on the existing Constitution and the several resolutions proposing amendments thereto, and after some time spent in the consideration thereof, the Committee rose, reported progress, and asked and obtained leave to sit again.

Mr. **Childress** moved, that the resolution submitted by him on yesterday, requiring the Convention, when in Committee of the Whole, to take up the Constitution, article by article, and section by section, and to make their propositions to amend without debate, and referring the said amendments to committees, be taken up and considered, which prevailing, the said resolution was thereupon taken up, read, and rejected.

On motion of Mr **Cannon**, the resolution submitted by him on yesterday, requiring propositions to amend or change the present Constitution, to be read three times, on three different days, and to be sustained upon each reading, by a majority of the members present, before its adoption; was taken up and read; and after some discussion thereon,

Mr. **Webster** moved to lay it on the table, which motion being lost, the question was submitted, "will the Convention adopt the resolution?" and determined in the affirmative.

The President presented sundry memorials on the subject of emancipation, which were severally read and ordered to the table.

Mr. **John A. M'Kinney** submitted the following:

Resolved, That a committee of three be appointed to inquire and report to this Convention, the number of Journals that ought to be printed for distribution; and also, whether the Journals ordered to be printed for the use of the members, adopted on the 27th inst. can be struck off at the same time with the Journals for distribution: and until such committee make a report and the same is acted upon by this Convention, that the resolution of the 27th may be suspended and no further expense be incurred.

And the rule being suspended, on motion of Mr **John A. M'Kinney**, the resolution was adopted.

The President appointed Mr J. A. M'Kinney, Mr Kincaid and Mr Hess the said committee.

Mr. **Cahal** renewed the motion, heretofore made by him, to take up and refer the several memorials in relation to new counties, to the committee on Propositions and Grievances: and after some discussion thereon, Mr Cahal withdrew his motion.

Mr. **Walton** submitted the following:

Resolved, That five members be appointed a committee to draft the form of the new Constitution, and bring the same before the Convention, for discussion or alteration, as the Convention may think proper.

On motion of Mr Webster, the resolution submitted by Mr. Greene, on Friday last, proposing to increase the committee on Propositions and Grievances to the number of thirteen, was taken up and read; in lieu of which,

Mr. **Huntsman**, submitted the following:

Resolved That all the petitions and memorials upon the subject of new counties, or changing the county lines, be referred to the Committee of the Whole; to be dealt with under the rule for taking up the Constitution, article by article, and section by section.

And after some discussion thereon, the said resolution and amendment were, on motion of Mr Mabry, ordered to the table.

Mr **John A. M'Kinney** asked to be discharged from the committee appointed to inquire and report to the Convention the number of Journals that should be printed for distribution, and for other purposes; and his request being granted, he moved that Mr. Fogg be added to said Committee, which prevailed.

And thereupon the Convention adjourned.

THURSDAY, MAY 29, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Edgar, of the Presbyterian church.

Mr. **ROBERT J. M'KINNEY** presented a memorial from sundry citizens of Greene county, on the subject of emancipation; which was read, and, on his motion, ordered to the table.

Mr. **M'GAUGHEY** presented the memorial of three hundred and forty seven citizens of Greene county, on the subject of emancipation; which was read, and on his motion, ordered to the table.

Mr. **ALLEN** presented a memorial of sundry citizens of Warren, Wilson and Smith counties, in relation to new counties; which was read, and, on his motion, ordered to the table.

Mr **FULTON** presented a memorial of sundry citizens of Lincoln county, on the subject of slavery; which was read and ordered to the table.

Mr **HUNTSMAN** moved, that his report made on yesterday, be recommitted to the committee on Privileges and Elections; which was agreed to, and said report was accordingly recommitted to the said committee.

Mr. **FOGG**, from the select committee appointed to inquire and report what number of Journals should be printed for distribution, &c. made the following report, to wit:

"The committee to whom was referred the subject of printing, by the resolution of the 23th instant, beg leave to report, that they have had the subject under consideration and made the necessary inquiries, and are of opinion that not less than six thousand copies of the Journals of the Convention ought to be printed, for distribution among the people. The committee are further of opinion from the estimates furnished, which are herewith submitted, that the daily expense of printing the Journals for the use of the members will not exceed five dollars a day, to which is to be added the expense of copying the Journals for the printer. The committee believe that it would be saving time and expense to have the Journals daily printed, according to the estimates submitted, as it will tend to shorten the Session, by bringing the subjects before the members from day to day; they therefore recommend the adoption of the following resolutions:

"*Resolved*, That six thousand copies of the Journals of the Convention be printed for distribution.

"*Resolved*, That the resolution of the 27th inst. be carried into effect, and that the Journals be printed for the use of the members, as in that resolution is contemplated, according to the estimates as furnished by the printers.

F. B. FOGG, *Chairman*
of the Committee."

Which said report was concurred in.

Mr. **LEDBETTER** submitted the following:

Resolved, That a committee of members be appointed, to ascertain and report to this Convention, the amount of the common school funds belonging to the State, in what the same consists, whence derived, and how vested, and in what manner the same has been secured; and also that they ascertain and report the best method of securing the same, so that it may not become subject to diminution; and what constitutional provision is necessary to be made, in order to secure the same for the use of common schools forever.

And the following:

Resolved, That the 1st section of the second article of the existing Constitution be amended, so as to read as follows, "the Supreme Executive Power of this State, shall be vested in a Governor and Lieutenant Governor."

The President presented a communication from Samuel G. Smith, Secretary of State, in obedience to Mr John A. M'Kinney's resolution of the 21st instant, which was read, and on motion of Mr Cannon, ordered to the table, and that sixty copies be printed for the use of the Convention:

Which communication is as follows:

Secretary's Office,
Nashville, May 28, 1834.

To the Honorable Convention now insession to revise the Constitution of the State of Tennessee.

In obedience to your resolution of the 21st instant; which requires the Secretary of State to communicate "the number of persons who have been appointed to civil offices of trust and profit by the Legislature of this State, from persons who were elected members of the Legislature, during the period for which such persons were so elected," I have the honor to report the following as embraced in the inquiry:

Two Judges of the Supreme Court of Errors and Appeals.
One Judge of District Superior Court.
One Chancellor.
Four Attorneys General.
One Register of the Hiwassee District.
Two Surveyors General.
One County Surveyor.
Two Commissioners to superintend Hiwassee land sales.
One Treasurer.
One Commissioner for the adjudication of land claims.
One Commissioner of turnpike roads.
Two Commissioners to settle the boundary of the State.

Respectfully submitted,

SAM G. SMITH.

Mr. Greene submitted the following:

ARTICLE 2.

Amendment 1. *Section 3.* That the Governor shall have been a citizen or inhabitant of the State at least seven years next before his election, unless he shall have been absent on the public business of the United States or of the State, and shall be at least thirty-five years of age.

2. *Sec.* 4. He shall not be eligible to serve in the office of Governor more than four out of any six years.

3. *Sec.* 6. He shall have power to grant reprieves and pardons after conviction, except in case of impeachments, and of murder in the first degree. He shall have power to suspend the execution in the latter case, until the meeting of the next General Assembly, before whom all the circumstances of the case shall be laid, and who alone shall exercise the power of reprieving or pardoning the offender.

4. *Sec.* 12. In case of his death or resignation, or removal from office, the Speaker of the Senate shall exercise the office of Governor; and, in case of his death, resignation, removal or refusal to act, the Speaker of the House of Representatives shall exercise the office of Governor; and, in case of his refusal to act, death, resignation or removal from office, the Secretary of State shall exercise the duties of that office, until another Governor shall be elected and qualified.

5. *Sec.* 17. The Secretary of State shall not hold his office for a longer term than four out of any six years.

ARTICLE 3.

Amendment 6. *Sec.* 1. Every free white man of the age of twenty one years and upwards, being an inhabitant of the county in which he may offer to vote, six months immediately preceding the day of election, shall be entitled to vote for members of the General Assembly, for the county in which he shall reside.

7. *Sec.* 3. All the elections shall be *viva voce.*

ARTICLE 5.

Amendment 8. *Sec.* 2. The Judges of the Circuit and Chancery courts, and the Attorneys for the State, shall be elected by the joint vote of both Houses of the General Assembly, for a term not exceeding six years, and be eligible to re-election, (except legally disqualified.) But no individual shall be eligible to the office of Judge, until he shall have arrived to the age of thirty five; nor shall he continue to hold that office beyond sixty years of age. Judges may be removed from office by the concurrent vote of both Houses of the General Assembly—the party being supplied with reasonable notice, and a copy of the alleged misdemeanors, which shall be spread upon the journals of each House of the General Assembly.

9. *Sec.* 10. County and Circuit court clerks shall be elected by the freemen of the respective counties for the term of four years.

10. *Sec.* 12. The qualified voters in each Captain's company in the respective counties, shall elect two Justices of the Peace, and one constable for their company; the Justices for four and the Constables for two years: but removing from the company shall vacate their respective offices.

ARTICLE 6.

Amendment 11. *Sec.* 1. The qualified voters in each county in this State, shall on a day to be fixed by law, different from the day on which the general State elections are held, elect one Sheriff, one Coroner, one Trustee, one Register and a Ranger; for their county, which elections shall be held biennially—but neither of the above named county officers, shall hold their respective offices more than four out of any term of six years.

ARTICLE 10.

AMENDMENT 12. *Sec.* 3. All future amendments to the Constitution shall be made, on the recommendation of two thirds of the General Assembly on joint vote, plainly specifying the amendment proposed, and it shall be the duty of the freemen throughout the State, at the next election for members to the General Assembly, to vote for or against the proposed amendment, and if it shall appear, that a majority of all the voters for members to the General Assembly have voted for the proposed amendment, on the concurrence of two thirds of the General Assembly thereafter next convened, it shall be adopted as part of the Constitution of this State.

Mr SHARP, the following:

1st. *Resolved*, That the Constitution should be so amended as to establish the Courts of the country in such a manner as not to be subject to as many changes as heretofore; that County Courts should be confined exclusively in their jurisdiction to the transaction of county business; and that all matters of fact, requiring the intervention of a jury, should be tried in the Circuit Court.

2nd. *Resolved*, That this Convention will inquire into the expediency of providing in the Constitution, for giving to single Magistrates jurisdiction of all sums due by note of hand or liquidated account, to the amount of five hundred dollars.

3rd. *Resolved*, That stays of execution should be equal as to time on all sums, without regard to amount.

4th. *Resolved*, That justices of the peace should have jurisdiction of affrays, riots, and assaults and batteries, without the intervention of a grand jury.

Mr. HODGES, the following:

Resolved, That the Constitution be so amended, as to provide that but one justice of the Peace be appointed in each Captain's company, except the company including the court house or county town, which shall have two, to be elected by the qualified voters of their respective companies, requiring at least two thirds of the voters in each company to vote, a majority of which two thirds shall be necessary to an election, and the returns be made to the Governor, who shall issue their commissions accordingly: to serve for four years, and that their office be vacated by a removal out of the company, for which they have been elected, and they shall be paid for services amply.

And Mr FULTON, the following:

Resolved, That it is a great truth, on which all *free* institutions rest, and that which may be considered the primary postulate in the science of government, that all men are originally and by nature equally free; that when a community of men unite to form a government, this originality of rights resolves itself into an equality of right in the formation of the government; that the essential character of this right involves the necessity of a submission by the *minority* to the *majority*: that in order to give the right of the majority its full effect, in the proposed amended model of the government, the Senators and Representatives be apportioned among the several counties, according to the number of free white *inhabitants* in each, so that every Senator and Representative shall represent in their respective Houses, as nearly as may be, equal portions of the free white *population* of this State, *or* equal portions of those to whom the majority of the community, in its fundamental law, has intrusted the exercise of the *right of suffrage*.

The Convention again resolved itself into Committee of the Whole Mr Cannon in the Chair, on the existing Constitution, and the various resolutions proposing amendments thereto: and after some time spent in the consideration thereof, the Committee rose, reported progress, and asked and obtained leave to sit again.

On motion of Mr **Huntsman**, the resolution of yesterday, making it the duty of the Treasurer of Middle Tennessee, to pay such sums of money (out of the ordinary revenue when received) as he may borrow under the provisions of the resolution adopted on the 24th inst., was taken up and read,

And on motion of Mr **Stephenson**,

It was ordered that the words "not more than six per cent" be inserted in said resolution, after the words "received, with."

The said resolution was thereupon read as amended, and adopted.

Mr. **Kincannon**'s resolution of yesterday, directory to the Secretary of State, was on his motion, taken up, read and adopted.

On motion of Mr **M'Clellan**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various resolutions proposing amendments thereto; and after some time spent in consideration thereof, the Committee rose, reported progress, and asked and obtained leave to sit again.

And thereupon the Convention adjourned.

Friday, May 30, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Edgar of the Presbyterian Church.

Mr. **Bradshaw** presented a memorial of sundry citizens of Jefferson county, on the subject of emancipation:

Mr. **Kincaid** presented several memorials from the citizens of Bedford county, on the same subject:

Which were severally read and ordered to the table.

Mr **Huntsman**, from the Committee on Privileges and Elections, to whom was recommitted the report made by them on yesterday, in relation to the memorial of Col. Edward Ward, contesting the election of Adam R. Alexander, Esq., the delegate from the county of Shelby, reported that the committee have again had the subject matter under consideration, and have instructed him to make the following

REPORT:

"That an amicable arrangement and agreement in writing, has been signed by the parties, not only as relates to the admissibility of exceptionable testimony, but as relates to their future operations in taking testimony preparatory to the final determination of the controversy; which agreement will supercede the necessity of employing a Sergeant-at-Arms for this purpose, and also the issuing of any process by order of this Convention, and which agreement before mentioned accompanies this report. Your committee, therefore, recommend that the report and documents pertaining to said contested election be laid upon the table, until the time stipulated by the parties (the 17th of June next,) for the settlement of the controversy. All of which is respectfully submitted."

The said report was concurred with.

Mr **Cannon** submitted the following:

1st. *Resolved*, That it is expedient, and the public interest of the State requires this Convention to fix upon and establish permanently, the Seat of Government.

2nd. *Resolved*, That the principles of equality and justice, as well as a just and strict regard to the rights of the people in every part of the State: also the public interest, and most convenient mode for the transaction of the great business of the State, requires that the Seat of Government should be established in the centre of the chartered or Territorial limits of the State, or the nearest eligible situation of the same.

Mr **Stephenson**, the following:

Resolved, That a Committee of thirteen, one from each Congressional district, be appointed to take into consideration the propriety of designating some period from which slavery shall not be tolerated in this State; and that all memorials on that subject, that have or may be presented to the Convention, be referred to said committee, to consider and report thereon.

Mr **Mabry**, the following:

1st *Resolved*, That the people have the right to elect all their officers, and that said elections should be *viva voce*.

2nd. *Resolved*, That the services of no man should be required to muster, nor to work on roads, under the age at which he is permitted to exercise the privilege of voting for all officers by whom he is to be governed.

3rd. *Resolved*, That the Governor should be elected for two years, and be eligible for four out of six years.

4th. *Resolved*, That the members of the General Assembly should be elected for two years, and no session to last longer than thirty days; the Governor to have the right to convene the Legislature, on particular occasions and for special purposes, for a term not exceeding twenty days.

5th. *Resolved*, That no member of the Legislature should be eligible for any office in the gift of the Legislature, for or during the term of two years for which he was elected, nor for any office created at a session of which he was a member.

6th. *Resolved*, That there should not be more than three Supreme Judges, to be elected once in six years: the number of Circuit Judges to be reduced, and elected once in four years.

7th. *Resolved*, That the Secretary of State be elected once in four years, by the qualified voters of the State: that Attorneys General be elected once in four years, by the qualified voters of their several districts: that Sheriffs, Coroners, Rangers and County Trustees be elected once in two years, by the qualified voters of the respective counties: and that Clerks be elected by the qualified voters of the respective counties: that Justices of the Peace be elected once in three years, and Constables once in two years, by the qualified voters of their respective companies or districts.

8th *Resolved*, That all lands, town lots, and other property subject to taxation, should be classed and taxed according to value.

9th. *Resolved*, That no free man should pay a poll tax, nor be compelled to work on roads, without receiving a compensation for working on the same.

10th. *Resolved*, That all the Militia officers of this State, shall be elected by those citizens residing in their different or respective Divisions, Brigades or Regiments and Companies.

11th. *Resolved*, That the power of granting Divorces should be taken from the Legislature, and be given to the Courts of Justice.

12th. *Resolved*, That all elections should be free and equal, and no freehold should be required to qualify a voter to vote.

13th. *Resolved*, That drunkenness shall be a sufficient cause of disqualification, and shall disqualify any person from holding any office of honor or profit in this State.

14th. *Resolved*, That all incorporations in a free government are dangerous to the liberties of the people.

Mr Burton, the following:

Resolved, That numbers of the Register of the Proceedings and Debates of this Convention, be furnished every week to each member of the Convention, as the best means of affording to their respective constituents information upon the deliberations of this assembly: And the rule being suspended on motion of Mr Burton—Mr Cannon moved to amend by striking out the word "debates"—Mr John A. M'Kinney moved to lay the resolution upon the table, but withdrew his motion at the request of Mr Allen; and after some debate thereon Mr Burton renewed the motion to lay it upon the table, which prevailed.

Mr Allen thereupon moved a reconsideration of the vote ordering the resolution to the table; which motion failed.

On motion of Mr Stephenson the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred, proposing amendments thereto; and after some time spent in consideration thereof, the Committee rose, reported progress, and asked and obtained leave to sit again.

And thereupon the Convention adjourned.

SATURDAY, MAY 31, 1834.

The Convention met according to adjournment, and was opened with prayer by the Rev. Mr Edgar of the Presbyterian Church.

Mr. Greene presented a memorial of sundry citizens of Monroe and Roane counties on the subject of a new county; which was read and ordered to the table.

Mr Kincannon submitted the following:

Whereas the 23rd section of the Bill of Rights declares, "that perpetuities and monopolies are contrary to the genius of a free state, and shall not be allowed": Therefore,

Resolved, That no Legislature hereafter to convene under the authority of this Constitution, shall have power to grant any charter conferring any banking privilege, unless the whole capital stock of the same shall be taken and owned exclusively and entirely by the State.

Mr Huntsman, the following:

Resolved, That one of the three following bases of Representation be adopted, as a compromise between the conflicting interests and opinions which exist in the different geographical sections of this State.

Basis the first.—Each county in the State shall have one Representative, and if any county has now, or hereafter may have two thousand five hundred or three thousand free white taxable inhabitants, said county shall have two Representatives and no more, and the Representative branch shall never exceed ninety nine:

But as an equivalent for the advantage given by this basis to the small counties, the Senate shall be organized upon the compound bases of population and taxation combined, in such a manner as to prevent unreasonable taxation by the democratic branch of the Legislature, where all money bills originate, the Senatorial branch shall never exceed thirty three in number.

If the first basis should be unacceptable, then the second is proposed, to be based upon the following principles.

Basis the second.—It is proposed to give in the Representative branch one member to each county in the State, and when any county now has, or hereafter may have two thousand five hundred or three thousand free white taxable inhabitants, or whatever number may be agreed upon, that said county shall have two Representives and no more.

But as an equivalent to the Senate for the advantage given to the small counties in the Representative branch, it is proposed, whatever number of Senators may be agreed upon from time to time, not exceeding at any time thirty three, that said Senators shall be equally apportioned by free white population throughout the State; provided, nevertheless, that whenever any one county in this State shall present a population amounting to four fifths of the number required to elect one Senator, that said county shall be entitled to a Senator upon said four-fifths: and, provided also, that no county in this State shall ever have more than one Senator and two Representatives.

If neither of these bases should be favored by the majority, then,

Basis the third.—It is proposed to increase the Representation by the basis fixed in the present Constitution, to such a number of Senators and Representatives as would be calculated to give, from time to time, a more ample Representation throughout the State; providing nevertheless, there should never be more than thirty three Senators and ninety nine Represenatatives at any time to come.

Mr **Blount**, the following:

Resolved, That in fulfilment of the whole plan of representation, it is expedient, 1st, to settle the basis of representation whether it shall be that of numbers; whether it shall be by counties: or whether it shall be a mixed basis, partaking, in part, of numbers, and in part of territory: 2ndly, determined on what number of Senators and Representatives shall compose the first Legislature, not to exceed sixty, to be elected according to Senatorial districts, and according to Representative Districts, both to be stated by a fixed number of counties to compose them, respectively; together with the name of the counties to be inserted in the Constitution, subject to no future change in said districts, except, eventually, by the addition of new counties adjoining any of said permanent districts; 3dly, to fix the ratio of representation by which the number of Senators and Representatives shall from time to time be apportioned, by the Legislature, agreeably to numbers; provided, that each county shall be entitled to elect at least one Representative: but that the ratio shall be fixed and inserted in the Constitution, subject to no change by the Legislature: and provided, that the greatest ultimate number of Representatives shall never exceed the number of sixty five, and the greatest nu mber of Senators shall never be greater than one half the number of Representatives, nor less than one third—the general ratio to be fifteen hundred free white male inhabitants.

And the rule requiring resolutions to lie one day on the table, being suspended, the said resolutions were severally read and referred to the Committee of the Whole.

On motion of Mr. **Roadman**,

Ordered, That all resolutions proposing amendments to the Constitution, submitted previous to this day and not heretofore referred, be now referred to the Committee of the Whole.

Mr **Senter** submitted the following:

Resolved, That no county in this State shall be entitled to a Representative unless such county contain at least twenty-five miles square.

Mr **John A. M'Kinney**, the following:

Resolved, That the basis of representation ought to be, each county to have one member in the House of Representatives and no more; and that the large counties should have such preponderance in the Senate, founded on the basis of free white population, as will compensate them for the advantage gained by the smaller counties in having each one member.

The rule requiring resolutions to lie one day on the table, being suspended, said resolution was read and referred to the Committee of the Whole.

Mr HUMPHREYS, the following:

Resolved, That the Secretary of State communicate to the Convention any information he may have, with regard to the number of divorces applied for, and the number granted by the Legislature, in the last six years:

Also, any information he may have with regard to the standing laws dispensed with for the benefit of particular individuals; such as hawking, peddling and retailing liquors without license:

Also, the extent of local and private legislation, and the time probably consumed thereat, with a view to the future action of this body:

And the rule being suspended, on motion of Mr. HUMPHREYS, the resolution was adopted.

Mr CAHAL moved to take up and consider all memorials in relation to new counties; which prevailing, he renewed his motion to refer them to the committee on propositions and grievances.

And thereupon the question was submitted, "will the Convention make the reference," and determined in the negative; ayes 22, noes 37.

The ayes and noes being demanded by Mr Cahal,

The affirmative voters are,

Messrs President, Bradshaw, Childress, Cahal, Cobbs, Gillespy, Greene, Gordon, Hill, Kelly, Kincaid, Ledbetter, M'Clellan, M'Gaughey, Richardson, Ridley, Robertson, Senter, Smartt, Whitson, Walton and Webster—22.

The negative voters are,

Messrs Allen, Armstrong, Alexander, Blount, Cannon, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gray, Hodges, Huntsman, Humphreys, Hess, Kincannon, Kendall, Kimbrough, Loving, Robert J. M'Kinney, John A. M'Kinney, Mabry, Montgomery, Marr, Neal, Nelson, Porter, Purdy, Roadman, Stephenson, Smith, Sharp, Scott, Ury, White and Weakley—37.

And so said motion was determined in the negative.

The question then recurred upon the proposition of Mr John A. M'Kinney, to refer the said memorials to a select committee of thirteen (one from each Congressional District) which was also decided in the negative.

The question next recurred, upon the adoption of Mr Huntsman's resolution, proposing their reference to the Committee of the Whole;

and the sense of the Convention being thereupon had, the said resolution was adopted and the order of reference made.

Mr **Mabry** submitted the following:

Resolved, That in forming a new or amending the present Constitution, it should be done with a view to the present and future prosperity of the people. The rights, privileges and liberties of the people should be guarded and protected.

Resolved, That the present Constitution be so amended as to form a system of education, and free schools, to educate those who are destitute of the means of education.

Resolved, That all lands, moneys or other donations, belonging to this State for the use of free schools, be retained for the same: and that the present Constitution be so amended as to lay and levy a tax on all Bank Stock, owned and used in this State; on all priviliges granted to town corporations; and incorporate bodies; and all banking institutions whatever, which, when levied, shall be applied to the use of free schools.

On motion of Mr **Roadman**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various resolutions to them referred, proposing amendments thereto: and, after some time spent in their consideration, the committee rose, reported progress, asked and obtained leave to sit again.

Mr. **Childress** submitted the following:

Resolved, That this Convention procure some mathematician to ascertain by calculation, the number of square miles in each county of this State, as laid down on Rhea's Map.

And the rule being suspended, said resolution was adopted.

And the convention adjourned.

Monday, June 2, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Smith of the Cumberland Presbyterian church.

Mr **Hodges** presented the memorial of sundry citizens of Campbell county, proposing and asking various amendments to the existing Constitution—which was read and ordered to the table.

Mr **Hess** presented the memorial of sundry citizens of Gibson, Dyer, Haywood and Madison counties, in relation to new counties, which was read and referred to the Committee of the Whole.

Mr **Cannon** submitted the following:

Resolved, That the regular hour for the meeting of this Convention shall be 8 o'clock in the morning—and the rule being suspended, said resolution was adopted.

Mr **Kincaid**, the following:

1st. *Resolved*, That the representation of the lower branch of the Legislature shall be fixed upon a basis of population of the free male taxable inhabitants, over the age of twenty one years.

2nd. *Resolved*, That each county in the State, having a population of one thousand free taxable inhabitants, over the age of twenty one years, agreeably to the enumeration of 1833, shall have one Representative;—and all counties that may hereafter come to have that number of free male taxable inhabitants, by the enumeration which may hereafter be taken, shall have one;—and until then, such counties not having that number of inhabitants, shall be attached to some adjoining county, to send a Representative.

3rd. *Resolved*, That every county in the State, having a population of two thousand five hundred free male inhabitants, over the age of twenty one years, by the said enumeration of 1833, shall be entitled to two Representatives;—and all counties that may hereafter come to have two thousand five hundred free male taxable inhabitants over the age of twenty one years, by the enumeration that may hereafter be taken, shall have two Representatives.

4th. *Resolved*, That so soon as the number of counties that may be entitled to two Representatives as aforesaid, shall have increased to the number of twenty, there shall be no further increase of Representation on such basis of population;—and the twenty Representatives which may have arisen upon the last-mentioned basis of population, shall then be apportioned among the respective counties of the State, agreeably to the free male population of each over the age of twenty one years, after deducting from the aggregate population of each, the number of one thousand, which entitled it to one representative.

Mr Fulton, the following:

Resolved, That the House of Representatives shall consist of one hundred members, whereof each county now established in this State shall elect one Representative:

That all that part of this State including the counties of——lying east of the Cumberland Mountains, shall be called the Eastern District:

That all that part of this State, including the counties of —— lying west of the Cumberland Mountains, and east of Tennessee river, shall be called the Middle District:

And that all that part of this State, including the counties of—— lying west of the Tennessee river, shall be called the Western District.

That thirty eight representatives shall, at the several periods of making the enumeration as pointed out by law, be apportioned among said three districts according to the number of free white taxable inhabitants in each, in the manner following, that is to say: The entire number of free white taxable inhabitants in said three districts, shall be divided by one hundred, (the entire number of representatives) and the number of thirty eight representatives shall be appropriated to, and apportioned among said three districts as near as may be, in proportion to the excess of free white taxable inhabitants, which they may respectively contain over and above the aggregate number of free white taxable inhabitants in said districts respectively appropriated, according to this plan, to be represented by the members from the counties respectively.

Mr **Kincaid**, the following:

1st. *Resolved*, That new counties may hereafter be formed of less contents than 625 square miles, and that old counties may be reduced below that content.

2nd. *Resolved*, That no new county shall be formed which shall reduce the old county or counties of which it is formed, below twenty miles square, or four hundred square miles—nor shall any new county be formed of less contents, except it should appear that the new county proposed to be established, could not be had to contain twenty miles square, or four hundred square miles, without making it more than as long again as broad, then and in such case, the county may be formed of less contents than twenty miles square, but not less than sixteen miles square, or two hundred and sixty square miles. *Provided*, that there shall not be any new county formed of this latter content, unless there shall be, at least one thousand free male inhabitants, over the age of twenty one years, residing within the territory proposed to be formed into a county, and at least seven hundred of said inhabitants signing the petition for said county. And *provided further*, that when any old county or counties may be reduced in forming a new one, the seat of justice in the old county or counties, so reduced, shall remain permanent where it or they are already located. And provided also, that the seat of justice in the county or counties, which may be reduced, shall not be left more than miles from the centre.

3rd. *Resolved*, That when the people, wishing to have a new county established, pursuant to this provision, shall have complied with the laws of the State now in force, relative to the formation of new counties, and shall have preferred their petitions to the General Assembly, praying the formation of a county, it shall be the duty of the Legislature to establish the same.

Mr **Huntsman**, the following:

1st. *Resolved*, That the limits of counties as established by the present Constitution, as far as it relates to counties already laid off, be held sacred and inviolable.

2nd. *Resolved*, That that part of the Constitution which deprives the Legislature of the power to lay off any new county of less dimensions than twenty five miles square, may be subject to the following modifications: if the surplus territory lying in or near county or counties contiguous to or adjoining each other, be of sufficient dimensions to form a county of twenty miles square, or four hundred square miles, without incroaching upon the present constitutional limits of the old counties, or without coming so near any of the present seats of justice as to occasion their removal, then and in that case, a county or counties may be laid off, of not less than twenty miles square.

And Mr **Walton**, the following:

Resolved, That it shall be lawful in future to lay off and make new counties, where they can do so without reducing the county or counties from which they shall be taken, to a less content than four hundred square miles, nor so as to interfere with the present county seats.

Mr Stephenson moved to take up and consider his resolution of the 30th ult., providing that all memorials on the subject of emancipation, be referred to a committee consisting of thirteen.

Which motion failed.

Mr Purdy submitted the following:

Resolved, That the 2nd section of the first article of the present Constitution be so amended, that the number of Representatives shall, at the several periods of taking the enumeration, be apportioned by the Legislature among the several counties, according to the number of free white taxable inhabitants in each, and shall never be less than sixty-two nor more than seventy-five members.

On motion of Mr. Allen, the Convention resoved itself into committee of the whole, Mr. Cannon in the chair, upon the existing constitution, and the various resolutions to them referred, proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr. John A. McKinney moved, that Col. Charles McClung, of Knox county, a member of the first convention of this state, be invited to a seat within the bar, which motion being adopted unanimously, the President respectfully invited him to a seat within the bar of the convention.

The President presented the following communication from the Secretary of State, made in obedience to a resolution of the 29th May, requiring him to ascertain the geographical centre of the State, to wit:

Secretary's Office,
Nashville, June 2, 1834.

The Honorable Convention in session to revise the Constitution of the State of Tennessee.

Your resolution of the 29th of May has been referred to Mr. James Hamilton, professor of mathematics in the Nashville University, with a request that he would furnish the information called for. I herewith transmit his communication in answer to the inquiry contained in the resolution, and also Rhea's map of Tennessee, on which is designated the geographical centre of the State. With a view to obtain the most unquestionable information, according to the mode of ascertaining it, I was induced to refer it to him. He is a gentleman of superior scientific attainments, and eminently qualified to make the calculations with the greatest accuracy.

Very respectfully,
SAM. G. SMITH.

Nashville University,
June 2, 1834.

Gen. S. G. Smith, Secretary of State.

Sir:—I have made the requisite calculations to determine the centre of the State of Tennessee, as laid down on Rhea's map, and believe you will find the result correct. The centre of position and the centre of gravity being in our question necessarily the same, I proceeded to find the latter by dividing the map into four parts, and having determined the centre of each, I then sought their common centre. I performed the calculation for two different modes of division, and found that the results differed only one fourth of a mile. In one case the division was made thus—I drew a meridian through the map in longitude 7° 40′ W., and reduced the irregular section on the east of it to a triangle, the centre of which was found on the boundary between Jefferson and Sevier counties. The second was a parallelogram, bounded on the east by the meridian just mentioned; on the south by the southern line of the map; on the west by a meridian passing through the point where the northern line meets the eastern bank of the Mississippi, and on the north by a line drawn parallel to the southern side. The centre of this section is in Maury county, north of Columbia, and south-west of Spring Hill. You will see it marked on Carter's creek. In constructing the parallelogram, a trapezoid was formed on the north, which is included within the two meridians already referred to in the first two sections. The centre of this portion lies in Sumner county, on a branch of Drake's creek, north-east of Tyree's Springs. The fourth section is on the western side of the second meridian above mentioned, the centre of which after being reduced to a triangle, was found in Tipton county, south-west of Covington, and about midway between the steam mill and a mill on Indian creek, near the road from Covington to Memphis. Having found the centres of the several portions, I began again on the east, and found the common centre of the 1st and 2d in the eastern part of Rutherford county, on the road from Danville to Readyville, and at about ¼th of their distance from the latter. The common centre of the first, second and third is only 2½ miles northwest of the centre of the first and second, and nearly in a line between it and Lebanon. The centre of the four sections, composing the entire State, was then found in Rutherford county, about one mile and a half east of Murfreesborough. I have designated the several points on the map you sent to me, with pencil marks. With the hope that this communication may prove satisfactory, I remain, dear sir, with great respect, your obedient servant,

JAMES HAMILTON.

On motion of Mr. Fogg, That a Committee of accounts and public expenditures be raised, which prevailing—the President appointed Messrs. Fogg, Allen, and Cannon, the said committee.

On motion of Mr. Stephenson, the Convention again resolved itself into a Committee of the Whole, Mr. Cannon in the Chair, on the existing Constitution, and the various amendments thereto proposed, and after some time spent in the consideration thereof the Committee rose, reported progress, and asked and obtained leave to sit again.

Thereupon the Convention adjourned.

Tuesday, June 3, 1834.

The Convention met acccording to adjournment, and was opened with prayer, by the Rev. Mr. Hess of the Cumberland Presbyterian Church.

Mr. Senter presented the memorial of sundry citizens of Rhea county, in relation to a new county, which was read and ordered to the table.

Mr. Gray presented sundry memorials of the citizens of Humphreys county, in relation to a new county, which was read, and on his motion, referred to the Committee of the Whole.

And Mr. Hess presented the memorial of sundry citizens of Dyer county, in relation to a new county, which was read, and referred to the Committee of the Whole.

Mr. Fogg from the Committee on accounts and public expenditures, to whom was referred the account of B. Atkinson and Son, for $82 38 cents, reported, that the Committee have carefully examined the same, believe it just and correct, and that it ought to be allowed. The said report was concurred with. And it was thereupon ordered that the President and Secretary issue to the said B. Atkinson and Son a warrant for the said amount of $82 38 cents, under the provision of the act of the General Assembly, entitled an act to provide for the calling of a Convention, passed at Nashville the 27th day of November, 1833.

Mr Douglass submitted the following:

Whereas the call of a Convention by the people, to amend or modify the Constitution, is attended with great expense and high political excitement, which may occasionally divide the country into feuds and parties, dangerous to the freedom and stability of our mixed form of government; and forasmuch as it is, at all times, impolitic for any form of government to have its salutary and acceptable principles unhinged and put afloat, in order to reach an obnoxious feature in any of its fundamental rules; therefore,

1st. *Resolved*, That from hereafter, whenever two thirds of the Legislature, in joint assembly, shall recommend any specific modification or modifications, amendment or amendments of the Constitution, to the people of the State, any one or all of said amendments shall be offered in the form of resolutions, and form a part or parts of said Constitution, if a majority of the people, at the next general election for members to the Legislature, shall vote for any one or all of said amendments.

And whereas, great and serious evils may, and it is likely will fall upon the country, by frequent actions of the Legislature, in attempts at alterations of the Constitution; and, in order to prevent the deleterious consequences to be apprehended from two frequent action upon this subject, and to prevent the instability and fluctuations likely to be produced by such action on the fundamental rules; therefore,

2nd. *Resolved*, That the Legislature shall, in no case, recommend or propose any modification or modifications, alteration or alterations, amendment or amendments, change or changes of the Constitution, in whole or part, oftener than once in every ten years.

On motion of Mr **Fulton**, ordered that the resolutions introduced on yesterday by Mr Fulton and Mr Kincaid, on the subject of the basis of representation, be referred to the Committee of the Whole.

On motion of Mr **Roadman**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various amendments thereto proposed, and after some time spent in the consideration thereof, the Committee rose, and the chairman thereof reported that the committee had instructed him to ask to be discharged from the further consideration of the sundry memorials to them referred, in relation to new counties; and moreover the committee had instructed him to report the following, in lieu of the 4th section of the 9th article of the present Constitution, and to recommend its adoption, to wit:

"1st. That the 4th section of the 9th article of the Constitution, be amended so as to allow new counties to be established by the Legislature, to consist of not less than four hundred square miles, and such new county not to approach the court house of an older county or counties nearer than twelve and a half miles, or reduce the size of such older county or counties to less than six hundred and twenty five square miles.

"2nd. That no part of an old county or counties shall be taken off, to form part of a new one, without the consent of a majority of the citizens of such part of the old county or counties.

"3rd. That the Legislature shall act on such subjects only in a regular session, and in such sessions only once in ten years; *provided*, also, that should the running of any line in the formation of a new county under this provision, place the court house of the old county further from the centre of either its population or territory, it shall not on that or any other account be removed."

Mr **Carter** offered the following amendment to the first clause of said report, to wit: "Except in such special cases, if any, as may be hereinafter provided for by this Constitution;" which was accepted.

Mr **Gillespy** thereupon moved a non-concurrence with so much of the third clause of said report as prevents the removal of seats of justice under any pretence whatever; and after some discussion thereon, at the request of Mr Stephenson he withdrew the motion; whereupon

Mr **Stephenson** moved a division of the question, so as to test the sense of the Convention upon each clause of said report.

Mr **Cahal** moved to lay the report on the table, which motion was negatived.

Mr **Marr** moved to recommit it to the Committee of the Whole; which motion being also negatived, the question recurred upon the motion of Mr **Stephenson**, to divide the question, which was decided in the affirmative.

The question was then had upon a concurrence of the first clause of the first clause of the report of the committee as amended by Mr Carter, and determined in the affirmative; ayes 56, noes 4.

The ayes and noes being demanded by Mr GREENE,

The affirmative voters are,

Messrs President, Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, M'Clellan, Robert J. M'Kinney, John A. M'Kinney, M'Gaughey, Montgomery, Marr, Neal, Nelson, Purdy, Porter, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White and Weakley—56.

The negative voters are,

Messrs Greene, Kelly, Mabry and Webster—4.

And so said first clause as amended was concurred with.

The question was next had upon a concurrence with the second clause of the said report.

Mr KIMBROUGH moved to amend, by striking out the word "citizens," and inserting in lieu, the words "qualified voters:" the said amendment being received, the question recurred upon a concurrence with the report of the committee in relation to said second clause as amended; and the same thereupon being had, it was determined unanimously in the affirmative.

The question next recurred upon a concurrence with the third clause of said report.

Mr KINCAID, moved to strike therefrom the words "ten years," and thereupon the question was submitted, and determined in the affirmative; ayes 54, noes 6.

The ayes and noes being demanded by Mr GREENE,

The affirmative voters are,

Messrs President, Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Garrett, Gillespy, Greene, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Ledbetter, Loving, M'Clellan, Robert J. M'Kinney, Marr, M'Gaughey, Montgomery, Neal, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley—54.

The negative voters are,

Messrs Douglass, Fogg, Kimbrough, John A. M'Kinney, Mabry and Robertson—6.

So said motion prevailed.

Mr GILLESPY then moved to fill the blank with the words "eight years;" and the question thereon being had, it was determined in the negative; ayes 10, noes 50.

The ayes and noes being demanded,

The affirmative voters are,

Messrs Bradshaw, Douglass, Fogg, Gillespy, Hodges, Kimbrough, John A. M'Kinney, Marr, Robertson and Scott—10.

The negative voters are,

Messrs President, Allen, Armstrong, Alexander, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Garrett, Greene, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Ledbetter, Loving, M'Clellan, Robert J. M'Kinney, Mabry, M'Gaughey, Montgomery, Neal, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton, White, Webster and Weakley—50.

And so said motion was determined in the negative.

Mr HUMPHREYS moved to fill the blank with four years; and the question being thereupon had, it was determined in the negative; ayes 16, noes 44.

The ayes and noes being demanded,

The affirmative voters are,

Messrs Alexander, Burton, Cross, Douglass, Fogg, Garrett, Hodges, Huntsman, Humphreys, Hess, Marr, Nelson, Purdy, Roadman, Scott and White—16.

The negative voters are,

Messrs President, Allen, Armstrong, Bradshaw, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Fulton, Gillespy, Greene, Gray, Gordon, Hill, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, M'Clellan, Robert J. M'Kinney; John A. M'Kinney, Mabry, M'Gaughey, Montgomery, Neal, Porter, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton, Webster and Weakley—44.

And so said motion was determined in the negative.

Mr COBBS then offered the following amendment, to wit: "at the 2nd and 3rd regular sessions after the adoption of the Constitution, and every eight years thereafter."

Mr JOHN A. M'KINNEY then moved an adjournment; which motion was lost.

The question upon Mr COBBS' amendment was next put by the chair, and determined in the negative.

The ayes and noes being demanded,

The affirmative voters are,

Messrs Alexander, Bradshaw, Burton, Cobbs, Cross, Douglass, Fogg, Gillespy, Hodges, Kimbrough, Loving, John A. M'Kinney, Marr, Nelson, Purdy, Robertson and Scott—17.

The negative voters are,

Messrs President, Allen, Armstrong, Blount, Cannon, Childress, Cahal, Cheatham, Fulton, Garrett, Greene, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Ledbetter, M'Clellan, Robert J. M'Kinney, Mabry, M'Gaughey, Montgomery, Neal, Porter, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton, White, Webster and Weakley—43.

And so said amendment was rejected.

Mr **Burton** then moved an adjournment, which was lost.

Thereupon Mr **Greene** moved to strike out the whole of the 3rd clause, which was determined in the affirmative; ayes 39, noes 21.

The ayes and noes being demanded by Mr Greene,

The affirmative voters are,

Messrs President, Allen, Armstrong, Blount, Burton, Cannon, Childress, Cahal, Cheatham, Fulton, Garrett, Greene, Gray, Gordon, Hill, Huntsman, Humphreys, Kelly, Kincaid, Kincannon, M'Clellan, Robert J. M'Kinney, Mabry, M'Gaughey, Montgomery, Neal, Porter, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton, Webster and Weakley—39.

The negative voters are,

Messrs Alexander, Bradshaw, Cobbs, Cross, Douglass, Fogg, Gillespy, Hodges, Hess, Kendall, Kimbrough, Ledbetter, Loving, John A. M'Kinney, Marr, Nelson, Purdy, Roadman, Robertson, Scott and White—21.

And so said third clause was stricken out.

Mr **Webster** submitted the following:

Resolved, That all memorials on the subject of new counties, be referred to a committee, to consist of thirteen members, one from each Congressional District, with instruction to examine and report to this Convention, if any, what relief shall be extended to the memorialists.

And thereupon the Convention adjourned.

Wednesday, June 4, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Hatton of the Cumberland Presbyterian Church.

Mr **Ledbetter** moved to take up and consider the resolution, heretofore submitted by him, proposing to appoint a Committee on the school fund and the subjects relating thereto, which was taken up, and adopted. And thereupon the President appointed said Committee, consisting of Messrs Ledbetter, Cheatham, Cobbs, Allen, and R. J. McKinney.

On motion of Mr. **Hess**, the report of the Committee of the Whole on the subject of new counties, which was under consideration on yesterday, was taken up.

Mr. **Garrett** moved to strike out of the proviso in the third article, the words "or any other account."

Mr. **Gray** moved to strike out the words "or any other," which amendment Mr Garrett accepted as an amendment, in lieu of the one proposed by him.

Mr **Cahal** proposed, in lieu of the foregoing words, "on that or any other account," the following amendment, "because such Court House is not in the centre of such county;" which he afterwards withdrew, by leave of the Convention.

The question was then put on the amendment proposed by Mr. Gray, and determined in the negative; ayes 30, noes 30.

The ayes and noes being demanded by Mr. Greene,

The affirmative voters are,

Messrs. Armstrong, Bradshaw, Cahal, Cobbs, Garrett, Gillespy, Greene, Gray, Hodges, Hill, Kelly, Kincaid, Kimbrough, Ledbetter, Loving, M'Clellan, Mabry, M'Gaughey, Montgomery, Marr, Neal, Purdy, Richardson, Ridley, Stephenson, Senter, Smartt, Ury, Whitson and Walton---30.

The negative voters are,

Messrs President, Allen, Alexander, Burton, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Fulton, Fogg, Gordon, Huntsman, Humphreys, Hess, Kincannon, Kendall, R. J. M'Kinney, J. A. M'-Kinney, Nelson, Porter, Roadman, Robertson, Smith, Sharp, Scott, White, Webster and Weakley---30.

And so said amendment was rejected.

Mr Douglass proposed the following amendment, to wit: "Unless two thirds of the Legislature, acting upon memorials for its removal, may order the same:" which said amendment was accepted.

Mr. Fulton proposed the following amendment: "Nor shall the Court-House in any county in this State be removed," which was determined in the negative; ayes 21, noes 39.

The ayes and noes being demanded by Mr. Allen,

The affirmative voters are,

Messrs. Allen, Alexander, Blount, Childress, Douglass, Fulton, Fogg, Gordon, Hodge, Hill, Huntsman, Hess, Kincaid, Kendall, R. J. McKinney, Nelson, Porter, Purdy, Scott, White and Weakley ---21.

The negative voters are,

Messrs. President (Carter,) Armstrong, Bradshaw, Burton, Cannon, Cahal, Cobbs, Cheatham, Cross, Garrett, Gillespy, Greene, Gray, Humphreys, Kelly, Kincannon, Kimbrough, Ledbetter, Loving, M'-Clellan, J. A. M'Kinney, Mabry, M'Gaughey, Montgomery, Marr, Neal, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Stephenson, Smartt, Sharp, Ury, Whitson, Walton and Webster---39.

And so said amendment was rejected.

Mr. Webster then submitted the following amendment, to wit:

"And it shall be the duty of the Legislature to carry into effect all the foregoing provisions, in regard to the establishing of new counties, and all special provisions relative thereto, which may be authorized by this Convention;" which was rejected; ayes 10, noes 50.

The ayes and noes being demanded by Mr Webster,

The affirmative voters are:

Messrs. Cobbs, Douglass, Hill, Kelly, Kincannon, Kincaid, Richardson, Ridley, Smartt and Webster—10.

The negative voters are:

Messrs. President (Carter,) Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Greene, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kendall, Kimbrough, Ledbetter, Loving, M'Clellan, Robert J. M'Kinney, John A. M'Kinney, Mabry, M'Gaughey, Montgomery, Marr, Neal, Nelson, Porter, Purdy, Roadman, Robertson, Stephenson, Senter, Smith, Sharp, Scott, Ury, Whitson, Walton, White and Weakley—50.

And so said amendment was rejected.

Mr. KINCAID offered the following amendment, to wit:

"*Resolved*, That when the people wishing to have a new county established pursuant to the foregoing provisions, shall have complied with the laws now in force, relative to the formation of new counties, and shall have preferred their petition to the Legislature praying the formation of a new county, it shall be the duty of the General Assembly to establish the same."

And after some discussion had thereon, on motion of Mr. ALLEN, said resolution was ordered to the table.

Mr. KINCANNON offered the following amendment, in lieu of the whole report, made by the Committee of the Whole, in relation to new counties.

"*Resolved*, That the 4th section of the 9th article of the Constitution be so amended as to allow new counties to be established, according to the following provisions—whenever there shall be a territory of not less than four hundred square miles; except such cases, if any, as shall be provided for by this Convention, containing a population of not less than   qualified voters, a majority of whom shall apply for a new county: it shall be the duty of the Legislature from time to time, to establish a new county upon such application; provided the lines in running out such new county shall not reduce the old county or counties to less dimensions than the present constitutional limits of six hundred and twenty five square miles, nor approach nearer than twelve and a half miles of the court house of such old county or counties—and provided further, that the court house of such old county or counties shall, on account of a new county being laid off, in no event be removed."

And said amendment was rejected.

Mr. HUNTSMAN then moved that the report of the Committee of the Whole be concurred in, and the sense of the Convention being had thereon, said report was concurred in.

Mr. BURTON submitted the following:

1st. *Resolved*, That a sub-committee of thirteen be appointed, to whom shall be referred the report adopted in Committee of the Whole, on the 4th section of the 9th article—and that said Committee inquire whether there are any new counties that can be obtained of twenty miles square, in conformity with said report.

2nd. *Resolved*, That said Committee do further inquire whether there are any extraordinary cases, where Counties are divided by large water courses, and in justice ought to be taken out of the operation of said report already made to the Convention.

3rd. *Resolved*, That all petitions and memorials on the subject of new counties, be referred to said Committee.

On motion of Mr **Nelson**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto, and after some time spent in consideration thereof the committee rose, reported progress, asked and obtained leave to sit again.

And thereupon the Convention adjourned.

Thursday, June 5, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Hatton of the Cumberland Presbyterian Church.

Mr **Bradshaw** presented a memorial of sundry citizens of Jefferson county, upon the subject of emancipation, which was read and ordered to the table.

Mr **Kimbrough** submitted the following:

Resolved, That the Constitntion of the State of Tennessee shall remain in full force and effect, until the proposed amended Constitution is adopted and ratified.

On motion of Mr **Burton**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred, proposing amendments thereto, and after some time spent in consideration thereof, the committee rose, reported progress asked and obtained leave to sit again.

And thereupon the Convention adjourned.

Friday, June 6, 1834.

The Convention met acccording to adjournment, and was opened with prayer, by the Rev. Mr Hatton, of the Cumberland Presbyterian Church.

Mr **Bradshaw** presented the petition of Silas George of Jefferson county, which was ordered to the table.

Mr **Webster** presented a memorial of sundry citizens of Bedford county, on the subject of a new county, which was read and ordered to the table.

Mr **Loving** presented a memorial of sundry citizens of Haywood, Tipton and Dyer counties, on the subject of a new county, which was read and ordered to the table.

Mr **M'Gaughey** moved to take up and consider the resolution, introduced by Mr Stephenson on the 30th May, providing that all memorials on the subject of emancipation, be referred to a committee of thirteen; which motion prevailed.

Mr **Walton** moved, that all memorials on the subject of new counties, be referred to said committee.

Mr **Huntsman**, then moved to lay said resolution on the table, until the first day of January next, and the question being taken thereon, it was determined in the affirmative; ayes 38, noes 20.

The ayes and noes being demanded by Mr Fulton;

Those who voted in the affirmative are

Messrs Allen, Alexander, Cannon, Childress, Cahal, Cheatham, Cross, Fulton, Fogg, Garrett, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kincannon, Kincaid, Kendall, Ledbetter, Loving, M'Clellan, J. A. M'Kinney, Montgomery, Marr, Nelson, Porter, Purdy, Richardson, Ridley, Robertson, Smith, Scott, Ury, Whitson, White, Webster and Weakley—38.

Those who voted in the negative are

Messrs President (Carter,) Armstrong, Bradshaw, Blount, Cobbs, Gillespy, Greene, Hill, Kelly, Kimbrough, R. J. M'Kinney, Mabry, M'Gaughey, Neal, Roadman, Stephenson, Senter, Smartt, Sharp and Walton—20.

Mr **Webster** moved that his resolution submitted on the 3rd instant appointing a committee of thirteen, to examine and report on all memorials in relation to new counties, be taken up, which prevailing and the sense of the Convention being had thereon, said resolution was adopted. The President appointed Messrs Webster, Roadman, Garrett, Gillespy, Senter, Richardson, Smith, Weakley, Cannon, Kincannon, Gray, Loving and Scott, of said committee.

Mr **Hess** submitted the following:

1st. *Resolved*, That the General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owner or owners, or without paying their owners previous to such emancipation a full equivalent in money for the slave or slaves so emancipated.

2nd. They shall have no power to prevent emigrants to this State, from bringing with them such persons as are deemed slaves, by the laws of any one of the United States, so long as any person of the same age or description, shall be continued in slavery by the laws of this State.

3rd. They may pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and requiring them thereon to be removed without the limits of this State.

4th. They shall have full power to prevent any slaves being brought into this State for the purpose of speculation or as merchandize.

5th. They shall have full power to pass such laws, as may be necessary to oblige the owners of slaves to treat them with humanity, and to abstain from all injuries to them extending to life or limb.

6th. They shall have full power to pass laws, to prevent negroes and mulattoes from coming to and settling in this State, under any pretext whatever.

7th. In the prosecution of slaves for felony, no inquest by a grand jury shall be necessary, but the proceedings on such prosecutions, shall be regulated by law, except that the general assembly shall have no power to deprive them of the privilege of a trial by a petit jury.

Mr Allen, the following:

Resolved, That a Committee of three (one from each division of the State) be appointed to draft the reasons that govern this Convention in declining to act upon the memorials on the subject of slavery.

Mr Greene moved to amend said resolution by inserting twenty instead of three, which motion was lost, and the rule being suspended said resolution was adopted. The President appointed Messrs Allen, J. A. M'Kinney and Huntsman of said committee.

On motion of Mr Nelson, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto, and after some time spent in consideration thereof; the committee rose, reported progress, asked and obtained leave to sit again.

And thereupon the Convention adjourned,

SATURDAY, JUNE 7,1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Hess of the Cumberland Presbyterian Church.

Mr Allen asked to be discharged from the committee, appointed on yesterday, to embody the reasons and circumstances that influenced the Convention, in declining to act upon the various memorials presented in relation to emancipation—and the request being granted, it was thereupon ordered, on Mr Allen's motion, that Mr Fogg be added to said committee. And the President announced Mr J. A. M'Kinney Chairman thereof.

On motion of J. A. M'Kinney, ordered that the sundry memorials presented to this Convention on the subject of emancipation, be referred to the committee on that subject.

On motion of Mr Nelson, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various resolutions proposing amendments thereto, and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr Huntsman submitted the following:

Resolved, That the President of this Convention sign a warrant, and the Secretary countersign the same, authorising the Treasurer of West Tennessee to draw upon any of the Banks in the city of Nashville, for such sums as may be necessary, from time to time, to defray the expenses of this Convention.

And the rule being suspended, on motion of Mr Huntsman, said resolution was adopted.

And then the Convention adjourned.

Monday, June 9, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr **Weller** of the Episcopal Church.

Mr **Neal** presented the memorial of sundry citizens of M'Minn county, on the subject of emancipation: and

The **President** presented the memorial of sundry citizens of Knox county, on the subject of emancipation, which was severally read and ordered to be referred to the committee on that subject.

On motion, the Convention again resolved itself into Committee of the Whole, Mr Allen in the Chair, upon the existing Constitution and the various resolutions proposing amendments thereto, and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr **Nelson** from White, through Mr Garrett, asked and obtained leave of absence for a few days.

On motion of Mr **Roadman**, the Convention again resolved itself into Committee of the Whole, Mr Allen in the Chair, upon the existing Constitution and the various resolutions proposing amendments thereto, and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

On motion of Mr **Bradshaw**, ordered that the petition of Silas George be referred to the committee on Propositions and Grievances.

And then the Convention adjourned.

Tuesday, June 10, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Weller of the Episcopal church.

Mr **M'Gaughey** presented the memorial of sundry citizens of Sevier and Blount counties, on the subject of emancipation, which was read, and referred to the committee on that subject.

Mr **Cannon** submitted the following:

1st. *Resolved*, That the number of representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts according to the number of free taxable inhabitants in each, and shall not exceed sixty, until the population of the State shall be one million and a half, and after that period the number of Representatives shall never exceed eighty.

2nd. *Resolved*, That the number of Senators shall at the several periods of making the enumeration, be apportioned among the several counties or districts according to the number of free taxable inhabitants in each, and shall not exceed twenty five, until the population of the State shall be one million and a half, and after that period the number of Senators shall never exceed thirty.

On motion of Mr **Stephenson**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various resolutions proposing amendments thereto, and after some time spent in consideration thereof, the Committee rose, reported progress, asked and obtained leave to sit again.

Mr **Kimbrough** moved to take up and consider the resolution, heretofore submitted by him, declaring the existing Constitution to be in force and effect until the new or amended Constitution shall be approved by the people. Said motion was negatived.

Mr **John A. M'Kinney** submitted the following:

Resolved, That property is the proper subject of taxation: that property of all kinds should be taxed according to its value; that value to be ascertained in such manner as the Legislature may prescribe, so that the same shall be uniform throughout the State.

Mr **Sharp**, the following:

Resolved, That the seat of government be permanently fixed at such point on the Tennessee river, as three commissioners, one from East Tennessee, one from Middle Tennessee and one from the Western District, appointed by law, may designate.

The **President** presented a communication from Sam G. Smith, Secretary of State, made in obedience to a resolution of the 31st May, directing him to report to the Convention, the number of applications for divorces, the number of divorces granted in the last six years, and the number of public and private acts passed, and the time probably consumed thereat; which was read and ordered to the table.

On motion of Mr **Senter**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various resolutions to them referred, proposing amendments thereto, and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

WEDNESDAY, JUNE 11, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Hess of the Cumberland Presbyterian Church.

On motion of Mr **Loving**, ordered that the memorial of sundry citizens of Haywood, Tipton and Dyer counties, on the subject of a new county, heretofore introduced by him, be referred to the committee on that subject.

Mr **Greene** submitted the following:

Resolved, That the citizens South of Hiwassee and Big Tennessee rivers, within the limits of the counties of Marion, Hamilton, Rhea and M'Minn, as designated by an act of the General Assembly of 1833 extending the civil jurisdiction of the State to its chartered limits, are entitled to the right of pre-emption and occupancy in that tract of country, at a price to be fixed by the Legislature, not exceeding the minimum price of other lands within said tract of country.

And Mr **Neal**, the following:

Resolved, That the Legislature should have no power to levy a tax for the purpose of raising bank stock in any instance whatever.

On motion of Mr **Walton**, the Convention again resolved itself into Committee of the Whole, Mr Gillespy in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto, and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

Thursday, June 12, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Reverend Mr Weller of the Episcopal Church.

On motion of Mr **Cannon**,

Ordered, That the resolution heretofore submitted by him, on the subject of the basis of representation, be taken up and referred to the Committee of the Whole.

On motion of Mr **M'Clellan**, the Convention again resolved itself into a Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto, and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr **Allen** submitted the following:

Resolved, That the rules for the government of the Convention, be so amended as to authorize the ayes and noes to be taken in Committee of the Whole, when required by a majority of the Convention.

Mr **Cahal** moved a suspension of the rule requiring resolutions to lie on the table one day; which motion was negatived.

On motion of Mr **Humphreys**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto, and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr **Smith** moved to have Mr Allen (of Smith) added to the Committee on new counties; which motion was determined in the negative.

And then the Convention adjourned.

Friday, June 13, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Weller of the Episcopal church.

Mr **Scott** asked leave to be discharged from the committee on new counties, and his request being granted, he thereupon moved, that Mr Robertson be added to said committee; which motion prevailed.

Mr **Mabry** submitted the following:

Resolved, That the present Constitution of the State of Tennesse, be so amended as to prevent and prohibit the *sale* of *slaves* or *people of color*, by virtue of executions founded on all contracts made and entered into after the first day of January, 1835.

And Mr Neal, the following:

Resolved, That all militia officers ought to be elected by the people of their respective divisions, brigades, regiments, battalions and companies, for the term of five years and be re-eligible; the adjutant by the people of the regiment: and that each officer shall reside within the bounds of his command.

On motion of Mr M'Gaughey, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the chair, on the existing Constitution and the various resolutions to them referred proposing amendments thereto, and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr M'Gaughey submitted the following:

1st. *Resolved*, That the resolution, adopted on Monday the 26th day of May, 1834, authorizing the Convention to resolve itself into Committee of the Whole, for the purpose of considering the Constitution, be and the same is hereby rescinded.

2nd. *Resolved*, That for the purpose of expediting the public business, the Convention do now take up the Constitution of this State, article by article and section by section, for the purpose of making such amendments and alterations as may be deemed by them necessary.

On motion of Mr Garrett, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto, and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

Saturday, June 14, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Weller of the Episcopal church.

Mr White presented the memorial of sundry citizens of Sumner county, on the subject of new counties, and on Mr White's motion said memorial was referred to the committee on that subject.

Mr Webster submitted the following:

Resolved, That in the opinion of this Convention, it is inexpedient further to consider the Constitution in Committee of the Whole.

Mr M'Gaughey called up his resolution, introduced on yesterday, proposing to rescind the resolution heretofore adopted, authorizing the Convention to resolve itself into Committee of the Whole, and after some discussion had thereon, Mr M'Gaughey withdrew the motion to take up said resolution.

Mr Purdy submitted the following:

1st. *Resolved*, That the number of representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the number of qualified voters in each, and shall not exceed seventy five until the population of the State shall be one million, and never thereafter to be more than , provided that any one of the small counties, having two thirds of the ratio, shall be entitled to one member.

2nd. *Resolved*, That the number of senators shall, at the several periods of making the enumeration, be apportioned among the several counties or district according to the number of qualified electors in each, and shall not exceed one third the number of representatives.

On motion of Mr CAHAL, the rule requiring resolutions to lie on the table one day was suspended; and on his further motion, the said resolution was referred to the Committee of the Whole.

Mr MARR submitted the following:

Resolved, That the following be added, as an amendment to the 1st section of the 8th article of the Constitution.

"Whereas the Convention is deeply sensible of the importance and difficulty of their station, and of the imperfection and weakness of their nature, and that the best of men, with the purest purposes, are often influenced in their actions by causes unperceived by themselves—Therefore, no member of this Convention shall be eligible to a seat in either House of the Legislature, or to any office under the provisions of this Constitution."

Mr BURTON moved to take up the resolution, offered by Mr ALLEN on Thursday last, on the subject of amending the rules, which prevailing,

Mr GRAY moved to amend said resolution, by inserting the words "any member," instead of a majority, which amendment was accepted by Mr Allen.

The question was then taken upon the adoption of said resolution as amended, and determined in the negative; ayes 22, noes 34.

The ayes and noes being demanded by Mr Burton,

Those who voted in the affirmative are,

Messrs Allen, Bradshaw, Burton, Blount, Childress, Cahal, Cross, Douglass, Fulton, Greene, Kincannon, Ledbetter, M'Clellan, John A. M'Kinney, Mabry, M'Gaughey, Purdy, Roadman, Robertson, Stephenson, Whitson and White—22.

Those who voted in the negative are,

Messrs Armstrong, Alexander, Cannon, Cobbs, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Loving, Robert J. M'Kinney, Montgomery, Marr, Neal, Porter, Richardson, Ridley, Senter, Smith, Smartt, Sharp, Scott, Ury, Walton, Webster and Weakley—34.

And so said resolution was rejected.

Mr HUMPHREYS submitted the following:

1st. *Resolved*, That a committee of five be appointed to report whether any prohibitions or restrictions should be placed on the power of the Legislature in granting divorces and other private and local legislation, and if any, report for the consideration of the Convention, suitable clauses to effect that end.

2nd. *Resolved*, That the report of the Secretary of State be referred to the said Committee.

And on motion of Mr HUMPHREYS, the rule requiring resolutions to lie one day on the table was suspended, and on his further motion, said resolutions were referred to a select committee.

The President appointed Messrs Humphreys, Smartt, Ledbetter, John A. M'Kinney and M'Clellan of said committee.

Mr MONTGOMERY submitted the following:

Resolved, That the number of representatives shall, at the several periods of making an enumeration, be fixed by the Legislature and apportioned among the several counties, according to the number of qualified voters in each, and shall never be less than sixty-two, nor greater than . Each county shall have at least one representative, but no county hereafter established, shall be entitled to a separate representation until a sufficient number of qualified voters shall be contained within it, to entitle them to one representative, agreeably to the ratio which shall then be established. The number of senators shall be , and shall at the several periods of making the enumeration before mentioned, be apportioned among districts formed as hereinafter directed, according to the number of qualified voters in each.

On motion of Mr SCOTT, the rule requiring resolutions to lie one day on the table, was suspended, and on the further motion of Mr Scott, said resolution was referred to the Committee of the Whole.

Mr GILLESPY, the following:

Resolved, That the 2nd section of the 1st article of the Constitution be so amended as to read, "within the year 1840, and within every subsequent term of ten years, an enumeration of the free inhabitants shall be made in such manner as shall be directed by law. The number of representatives, shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned, as nearly as may be, among the several counties according to the number of free persons in each, and shall never exceed the number of ."

On motion of Mr CAHAL, the rule requiring resolutions to lie one day on the table was suspended, and said resolution referred to the Committee of the Whole.

On motion of Mr GARRETT, the report of the Secretary of State, made to the Convention, through the President, on the 10th inst., and which had been laid on the table, was taken up and read; and, on Mr Garrett's further motion, the said report was ordered to be spread upon the Journals, the same being as follows, viz:

SECRETARY'S OFFICE,
Nashville, June 10, 1834.

To the Honorable Convention now in session to revise and amend the Constitution of the State of Tennessee.

In obedience to your resolution of the 31st May, I have the honor to report, that the number of applicants for divorces made to the Legislature within the last six years, is as follows: males 95, females 68—total 163. And that the number of divorces granted by the Legislature within the same period, is as follows: males 27, females 33—total 60. It also appears, that within the last six years, the Legislature has authorized 96 individuals to hawk and peddle and retail spirituous liquors without license—all of which are included in 38 different acts of Assembly.

For the purpose of answering, as far as practicable, the third inquiry contained in the resolution, the following statement has been made, showing the number of public and private acts at the several sessions, and the total number of printed pages in the book.

1829—	107	Public acts,	147	Pages.
	347	Private do,	286	do
1831—	112	Public acts,	127	do
	284	Private do	233	do
1832—	42	Public acts,	53	do
	116	Private do	147	do
1833—	91	Public acts,	117	do
	305	Private do	179	do

There is no evidence in the office to ascertain with any degree of certainty the time consumed in local and private legislation. As far as has come within my observation, the bills containing provisions for special causes do not consume as much time in deliberation and discussion, as bills containing provisions of a general character.

Respectfully submitted,
SAM G. SMITH.

On motion of Mr Cahal, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto, and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr Nelson, of White, who on the 9th inst obtained leave of absence for a few days, returned and took his seat.

Mr Cahal moved to discharge the Committee of the Whole from the further consideration of the 2nd, 3rd and 4th sections of the 1st article of the Constitution, but before any question was had thereon,

Mr Garrett moved that the Convention adjourn till 9 o'clock on Monday morning next; which motion prevailed,

And the convention adjourned.

Monday, June 16, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Greene of the Methodist Episcopal Church.

Mr Cheatham presented a memorial from sundry citizens of Robertson county, on the subject of emancipation, which, on his motion, was referred to the select committee on that subject.

Mr **Loving** submitted the following:

Resolved, That the basis of representation shall be, free white taxable inhabitants or qualified voters, as may be hereinafter in this Constitution provided for.

Resolved, That the House of Representatives shall consist of sixty-five members until the year 1842, of which the following counties shall have each *two* to wit: Bedford, Davidson, Lincoln, Maury, Rutherford, Smith, Wilson and Williamson, and all the other counties one, except the counties of Anderson, Campbell, Cocke, Hamilton, Marion, Morgan, Sevier, Fentress, Dyer and Obion, which shall be provided for as follows: The counties of Marion and Hamilton shall compose one district, and have one member; the counties of Anderson and Morgan shall compose one district, and have one member; the counties of Campbell and Fentress shall compose one district, and have one member; the counties of Cocke and Sevier shall compose one district, and have one member; and the counties of Dyer and Obion shall compose district, and have one member. After which time, the number of Representatives shall be apportioned by the Legislature in districts, upon the basis of qualified voters, at such ratio as not to exceed seventy-five, until the population shall amount to one million and a half, and then at such ratio as never to exceed ninety-nine members.

On motion of Mr **Loving**, the rule requiring resolutions to lie on the table for one day, was suspended, and said resolution was then refered to the Committee of the Whole.

Mr **Smith** made a motion that he be excused from serving on the committee of new counties—and that Mr Allen be appointed in his place, and the question being had on agreeing thereto, it was determined in the affirmative.

Mr **Ledbetter** made a motion to take up the report of the select committee, in relation to the number of the Journals of this Convention to be printed for distribution, which motion he afterwards withdrew.

Mr **Gordon** made a motion to reconsider the resolution concurring in said report, which motion prevailed.

Mr **Kimbrough** made a motion to recommit said report to the committee, with instructions to report the number of captains' companies in the state, and the question being taken on agreeing thereto, it was determined in the affirmative.

Mr **Cahal** made a motion to take up the motion made by him on Saturday, to discharge the Committee of the Whole from the further consideration of the 2nd, 3rd and 4th sections of the 1st article of the existing Constitution: which motion prevailed; and the question being had on the motion to discharge, it was determined in the negative.

Mr **Nelson** introduced the following:

Whereas, as it is of the utmost importance in a free government, that all officers should be sufficiently responsible to the people, and at the same time possessed of competent qualifications to discharge the important duties devolving on them; and whereas, also, it is in accordance with the spirit of our government, that all officers should be dependent upon the people they are elected to serve; therefore,

1st. *Resolved*, That all county officers should be elected by the people, at such periods as will secure a direct responsibility, and that Clerks of the circuit courts, should also be elected by the people, under the following restrictions: let every citizen of the country enjoy the free privilege of offering himself as a candidate for that appointment; but let the respective candidates obtain from the Judge of the judicial circuit in which they reside, a certificate of competent qualifications; after which, let them all submit their claims to the free suffrages of the qualified voters of the county.

2nd. *Resolved*, That Registers of Land Offices should be elected at stated periods, by the people of the respective districts throughout the State.

On motion of Mr M'GAUGHEY, the Convention then resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the 2d, 3d and 4th sections of the 1st article of the existing Constitution and the various amendments to them referred; and after some time spent in consideration thereof, the Committee rose, reported progress, asked and obtained leave to sit again.

Mr GREENE submitted the following:

1st. *Resolved*, That each of the counties in this State shall have one representative, and each county which now has, or shall, at the several times of taking the enumeration, contain two thousand five hundred qualified electors, shall have two representatives and no more; *provided*, that no new county hereinafter organized, shall be entitled to a separate Representative, until the qualified voters in such new counties shall be one thousand.

2nd. *Resolved*, That the Senate shall be composed of one third of the number of Representatives, and at the several times of taking the enumeration shall be apportioned among the several counties on the basis of qualified voters.

The President presented a memorial from sundry citizens of Blount county, on the subject of emancipation; which was read, and on motion referred to the select committee on that subject.

Mr WALTON presented the memorial of sundry citizens of Smith county, on the subject of new counties; which was on motion of Mr Walton, referred to the select committee on the subject of new counties.

Mr M'CLELLAN presented the memorial of sundry citizens of Sullivan county on the subject of education; which was read, and on his motion, referred to the select committee on that subject.

Mr DOUGLASS submitted the following

Resolved, That the 26th section of the 1st article of the Constitution be so amended as to tax land, town lots and negroes, according to value, to be assessed by the owners; and that negroes from ten to fifty years of age only shall be taxed nor shall the improvements on land be taken into view, in estimating its value, except of houses of greater value than one thousand dollars.

Mr SMITH presented a map or plat of Smith county, which on his motion was referred to the select committee on new counties.

On motion of Mr Porter, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, and asked, and obtained leave to sit again.

And then the Convention adjourned.

TUESDAY, June 17, 1834.

The Convention met acccording to adjournment, and was opened with prayer, by the Rev. Mr. Hess of the Cumberland Presbyterian Church.

Mr ARMSTRONG presented sundry memorials from the citizens of Overton county, on the subject of emancipation, which on his motion were referred to the committee on that subject.

Mr BURTON submitted the following:

1st. *Resolved*, That the 1st section of the 6th article of the present Constitution be so amended, that the sheriffs in each county shall be elected by the qualified voters therein for the term of two years; and that the office of county trustee be dispensed with, and that the duties of that office be performed by the sheriffs of the respective counties.

2nd. *Resolved*, That the offices of register and ranger be dispensed with, and that the duties that at present appertain to those offices, be performed by the clerks of the several county courts; and that the clerks of the county courts be elected by the qualified electors in each county, for the period of six years.

Mr GORDON, the following:

Resolved, That the 15th section of the 1st article of the Constitution be amended as follows : "Each House shall mature its own bills before transmission to the other, and each bill shall be read once on three different days in each House, and be signed by the respective Speakers before it becomes a law."

Mr ARMSTRONG, the following:

1st. *Resolved*, That so much of the 20th section of the 1st article, as relates to the manner and form of allowing compensation to prosecuting attorneys for the State, be amended as follows : "That said attorneys shall receive a compensation for their services to be ascertained by law, and shall not receive any other fees of office whatever, in any manner or form."

2nd. *Resolved*, That all lands or town lots held by grant, deed or entry, and slaves, shall be taxed agreeably to a true valuation of the same.

3rd *Resolved*, That each and every person hereafter, who may be

John J. House

elected to the General Assembly, shall not be eligible to fill any office in the gift of the General Assembly, for the term of time for which he was elected.

4th. *Resolved*, That it is expedient, that the General Assembly should be authorized to pass such laws as may be necessary and proper to decide differences by an arbitration system.

5th. *Resolved*, That each and every free male, who has arrived to the age of eighteen years, shall be considered a qualified voter in all elections made by the people.

Mr Hess, the following:

1st. *Resolved*, That a Lieutenant Governor shall be chosen at every election for Governor, in the same manner, continue in office for the same time, and possess the same qualifications as the Governor.

2nd. *Resolved*, That the Lieutenant Governor shall, by virtue of his office, be Speaker of the Senate, have a right when in Committee of the Whole, to debate and vote on all subjects; and when the Senate are equally divided to give the casting vote.

3rd. *Resolved*, That in case of an impeachment of the Governor, his removal from office, death, refusal to qualify, resignation, or absence from the State, the Lieutenant Governor shall exercise all the power and authority appertaining to the office of Governor, until another be duly qualified, or the Governor absent or impeached, return or be acquitted.

4th. *Resolved*, That whenever the Government shall be administered by the Lieutenant Governor, or he shall be unable to attend as Speaker of the Senate, the Senate shall elect one of their own members as Speaker for that occasion; and if during the vacancy of the office of Governor, the Lieutenant Governor shall die, be absent from the State, or in any way disqualified, the Speaker of the Senate shall exercise all the power and authority appertaining to the office of Governor.

5th. *Resolved*, That the Lieutenant Governor, while he acts as Speaker of the Senate, shall receive for his services, the same compensation as shall for the same period be allowed to the Speaker of the House of Representatives, and no more. And during the time he may administer the Government as Governor, shall receive the same compensation as the Governor would have received and been entitled to for the same period of service.

6th. *Resolved*, That the Speaker *pro tempore* of the Senate, during the time he may administer the Government, shall receive the same compensation as the Governor would have received had he been employed in the duties of his office.

7th. *Resolved*, That if the Lieutenant Governor shall, during the time for which he may administer the Government, die, resign, or become legally disqualified, in the recess of the General Assembly, it shall be the duty of the Secretary of State, for the time being, to convene the Senate for the purpose of choosing a Speaker.

And Mr Smith, the following:

Resolved, That the 20th section of the 1st article be so amended, that the Legislature shall not allow the following officers of Government greater annual salaries than as follows: the Governor not more than ; the Judges of the Superior Courts, not more than ; the Secretary not more than ; the Treasurer or Treasurers not more than p. ct. for receiving and paying out moneys; the Attorney or Attorneys for the State, shall receive a compensation not exceeding for each court which he or they may attend. That no member of the General Assembly shall receive more than three dollars per day, nor more than three dollars for every thirty miles travelling.

Mr Purdy called up the resolution heretofore introduced by him, proposing, that the different counties in this State be laid off into districts or townships, and also an amendment to the 12th section of the 5th article of the present Constitution.

Mr Cahal moved to amend said resolutions, which amendment was accepted by Mr Purdy; and the resolution when amended, read as follows; to wit:

1st. *Resolved*, That a select committee be appointed to take into consideration the expediency of so amending the present Constitution, that the different counties of this State be laid off into districts or townships, so that there shall not be more than twelve districts in each county, which shall be laid off according to law.

2nd. *Resolved*, That said committee also inquire into the expediency of so amending the 12th section of the 5th article of the existing Constitution, as to require that there shall be two Justices of the Peace for each township, to be elected by the qualified voters thereof; who shall be commissioned by the Governor, and hold their offices for the term of five years; and whose jurisdiction and duties shall be regulated by law.

Mr Purdy moved to refer said resolutions to a select committee of five members; and thereupon,

Mr Smith moved its reference to a Committee, consisting of one from each Senatorial District; which motion he afterwards withdrew:

The question was then taken on referring said resolution to a committee of five, which was decided in the affirmative:

Whereupon the President appointed Messrs Purdy, Cahal, Cross, Robert J. M'Kinney and Douglass said committee.

Mr Kendall submitted the following:

Resolved, That the judicial power of this State shall be vested in a circuit court, to be holden in each county, which shall have exclusive jurisdiction of all jury causes; and a supreme court of appeals, which shall have only appellate jurisdiction; and such inferior courts as the Legislature shall from time to time establish, giving such inferior courts jurisdiction of all cases of debt, due by note or liquidated accounts, without pleading.

Mr Douglass moved the reference of a resolution, submitted by him on yesterday, on the subject of taxation, to the Committee of the Whole, which was accordingly done.

On motion of Mr **Stephenson**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And thereupon the Convention adjourned.

Wednesday, June 18, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev Mr Greene of the Methodist Episcopal church.

Mr **Armstrong** presented sundry memorials from the citizens of Overton county, on the subject of emancipation, which were severally read and referred to the committee on that subject.

Mr **Kimbrough** submitted the following:

Resolved, That this Convention make some provisions, authorizing the General Assembly of the State of Tennessee, from time to time, to propose to the citizens of this State a system of emancipation, (without prejudice to the owrers of slaves or embarrassment to the State,) and if one half or two thirds of the citizens (as may be agreed upon by this Convention) voting for members of the General Assembly, shall vote in favor of any system of emancipation proposed and submitted to them by the Legislature, it shall be adopted by the next succeeding General Assembly of the State, and become the law of the land forever thereafter.

And the following:

1st. *Resolved*, That the supreme court of the State of Tennessee shall be composed of three Judges; that they shall be elected by the General Assembly, for the term of   years, and shall go out of office in such order, that after their first election, not more than one of them shall be elected at the same time.

2nd. *Resolved*, That the circuit court Judges shall be elected by the General Assembly for the term of   years.

Mr **Blount**, the following:

1st. *Resolved*, That on the subject of slavery, the General Assembly shall have no power or authority to pass laws for the emancipation of slaves, without the consent of their owners or without paying their owners, previous to such emancipation, a full equivalent in money for the slaves so emancipated, even in any special case; and that on the general subject of emancipation they have no power. That the General Assembly shall have no power to prevent emigrants to this State, from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State. They shall pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors and preventing them from becoming a charge to any county in this State. That they shall have full power to prevent slaves being brought into this State as property or merchandise: that they shall have full power to prevent any slaves being brought into this State, who have been since the 1st day of January 1789, or may be hereafter, imported into the United States from a foreign country. And they shall have full power to pass such laws as may be necessary to oblige the owners of slaves to treat them with humanity, to provide for them necessary clothing and provisions, to abstain from all injuries to them affecting or extending to life or limb; and in case of any owner's neglect or refusal to comply with the directions of such laws, such slave or slaves shall be sold for the benefit of such owner or owners, that justice to the oppressed may thereby be afforded.

2nd. *Resolved*, That in a prosecution of slave or slaves for felony, no inquest by a grand jury shall be necessary ; but the proceedings in such prosecutions shall be regulated by law, excepting and providing, that the General Assembly shall have no power to deprive such slave or slaves from an impartial trial by a petit jury.

3rd. *Resolved*, That this Convention make no other or further provision on the subject of slavery, or emancipation, than as above expressed, nor shall the Legislature have or exercise any other power over either of said subjects.

Mr **Smith** moved to dispense in future with stating on the Journal of the Convention, the denomination to which the officiating minister belongs:

And the sense of the Convention being had, it was determined in the negative.

Mr **Allen** submitted the following:

Resolved, That when any part of the Constitution is under consideration in Committee of the Whole, it is expedient that any change proposed, be offered in the shape of an amendment designating the line or word in the printed Constitution, at which such amendment commences and ends.

Mr **Burton** called up the resolution introduced on yesterday by him, proposing to amend the 1st section of the 6th article of the present Constitution; which on his motion was referred to the Committee of the Whole.

Mr **Mabry** moved to take up a resolution introduced by him on the 13th June, prohibiting the sale of slaves by virtue of executions; which was taken up and read: and he thereupon moved its reference to the committee on Propositions and Grievances.

Mr **Cahal** moved that said resolution be referred to a select committee, consisting of three members; which motion prevailed: and

The **President** appointed Messrs Mabry, Gillespy and Montgomery said committee.

Mr **Robertson** submitted the following :

1st. *Resolved*, That there shall be appointed only one justice of the peace for each captain's company, (except the company including the county town, which shall have two,) which justices shall be elected by the qualified voters in their respective captain's companies, for a term of four years, and shall be eligible to re-election.

2nd. *Resolved*, That there shall be appointed in each battalion only two constables, to be elected by the qualified voters in each battalion, for a term of two years, and eligible to re-election.

On motion of Mr LEDBETTER, the Convention resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

THURSDAY, JUNE 19, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Greene of the Methodist Episcopal Church.

Mr SHARP submitted the following:

Resolved, That the rate of toll at any ferry or bridge, on any river or other water course established in this State according to law, shall be fixed by the county courts, or by such other inferior courts as may be established by law; and that the Legislature shall not assess the amount of toll to be received at any ferry or bridge established according to law.

On motion of Mr WALTON, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr. JOHN A. M'KINNEY, from the committee to whom was assigned the duty of stating the reasons that governed the Convention, in declining to act upon the memorials presented to them on the subject of slavery, and to whom these memorials were referred, stated that said committee have had the subject under consideration, and respectfully submit the following

REPORT.

The committee are fully satisfied, that the reasons which induced a great majority of the members of the Convention, to refuse to enter upon a lengthy discussion of the perplexing question, propounded by the memorialists, were the utter impracticability of the plan proposed in the memorials, the inexpediency of the measure if it could have been accomplished, both as it respected the dearest interests of the whole community, and particularly of the slave population of this State, and the absolute certainty that the discussion of that subject in the Convention, would produce no result except the waste of time, the expenditure of money, and the destruction of that harmony amon the members, the preservation of which, was so necessary for the accomplishment of the great work the people of Tennessee sent the Convention here to perform. The committee do not understand the Convention as denying the truth of the proposition which asserts that slavery is an evil. To prove it to be a great evil is an easy task, but to tell how that evil can be removed, is a question that the wisest heads and the most benevolent hearts have not been able to answer in a satisfactory manner. If slaves in the United States were of the same color and cast of the other members of the community, there would be but little difficulty in the matter. Slavery once existed in the land of our ancestors, but there it has long ago been extinguished, because there the slave and his master were of the same race and wore the same complexion, and when the shackles of slavery fell from the hands of the slave, he mingled with the mass of the community, and there was no trace left to tell his descendants that their ancestors ever had been in a state of servitude. But the African slave stands in a different attitude—he bears upon his forehead a mark of separation which distinguishes him from the white man—as much after he is a free man as while he was a slave. And although it may be true that "*fleecy locks and black complexion do not forfeit nature's claims*," still it is true that those locks and that complexion mark every one of the African race so long as he remains among white men, as a person doomed to dwell in the suburbs of society, after he is free as much as when he was a slave; the gates of society are just as effectually barred against him, and he is as truly denied the privileges of membership with the rest of the community after he becomes a nominal free man as while he is a real slave. But this is not all, the condition of a free man of colour surrounded by persons of a different cast and complexion is the most forlorn and wretched that can be imagined. He is a stranger in the land of his nativity, he is an outcast in the place of his residence—he has scarcely a motive to prompt him to virtuous actions or to stimulate him to honorable exertions. At every turn and corner of the walks of life he is beset with temptations, strong, nay, almost irresistable, to the force of which in most cases he may be expected to yield, the consequence of which must be that he will be degraded, despised and trampled upon by the rest of the community. When the free man of colour is oppressed by the proud, or circumvented by the cunning, or betrayed by those in whom he has reposed confidence, do the laws of the land afford him more than a nominal protection? Denied his oath in a court of justice, unable to call any of his own colour to be witnesses if the injury he complains of has been committed by a white man, how many of his wrongs must remain unredressed—how many of his rights be violated with impunity—how poor a boon does he receive when receiving freedom, if what he receives can be called by that name. Unenviable as is the condition of the slave, unlovely as slavery is in all its aspects, bitter as the draught may be that the slave is doomed to drink, nevertheless, his condition is better than the condition of the free man of colour in the midst of a community of white men, with whom he has no common interest, no fellow feeling, no equality. If the slave is sick, he has a master or mistress whose own interest will prompt them to furnish him with food and medicine and attendance suited to his situation; but when the free man of colour is laid upon a bed of sickness, who cares for him, what hand supplies his wants, who will step to his humble bed of straw and feel his pulse, or inquire into the symptoms of his disease, or even hand him a cup of cold water to allay his thirst? The slave is almost wholly exempt from care, when his day's work is done he lies down and sleeps soundly; if the crops are destroyed by mildew or blasting, his peace of mind is not disturbed thereby, and when old age overtakes him, and his limbs require rest and his hands can work no longer, in his master's house the law has provided him with a home and secured him a maintenance. He knows not at any time what it is to hear his children ask for bread when he has none to give them, they too are provided for. But who supplies the wants of the free man of colour, when old age overtakes him and he is unable to provide for himself? he has to contend with all the ills of poverty, aggravated by a sense of his own degraded situation, compared with those around him. The cold hand of charity will indeed sometimes throw him the crust that has fallen from the rich man's table, but even these donations he will not at all times receive, when they are greatly needed.

The Convention do not impugn the motives of the memorialists, or in any manner question the benevolence of their hearts or the rectitude of their intentions; but they do believe that the memorialists have not sufficiently considered what would be the practical result of complying with the prayer of their petitions. They are persuaded the memorialists have not calculated how the adoption of the plan proposed by them would affect the hopes, the prospects, the dearest interests, of the very persons for whom they feel so much compassion; how it would affect the happiness, the prosperity, the future destinies of this State, the delegated sovereignty of which is now in the hands of the Convention; or in what manner it would operate on the interest and happiness of the great family of nations, of which the State of Tennessee is but a single member, and to all of whom she is under a solemn obligation to consult their welfare in common with her own. Suppose the prayer of the memorialists to be granted to the full extent of their wishes. Suppose a provision inserted in the Constitution, that the children of all slaves born after a certain future day, should be free at a certain age; say females at the age of twenty-one, and males at the age of twenty-five; what would be the inevitable consequence? Not what the memorialists suppose, but a totally different state of things. Slaves might indeed be banished from this State, but they would not be made free; they would not indeed be slaves in the State of Tennessee, but they would be slaves in Alabama, Mississippi, Louisiana, Missouri or Arkansas: and would that better their condition? Who supposes that it would? Who does not know that it would not?

The Convention could not overlook the certainty that a speedy removal of the slaves from this State, would be the inevitable consequence of any interference on their part with the subject of slavery. They know full well that to banish slavery from the State, is one thing, but to make the slaves free, is altogether a different matter. They believe that before any provision that might be inserted in the Constitution, could operate by the emancipation of a single slave, the greater part of these unfortunate beings would be carried beyond the limits of the State, and be placed forever out of the reach of the operation of the Constitution, or of any law that might be enacted under its provisions. And could this be prevented? Could the Convention, or the Legislature, or the courts of justices issue any mandate to prevent the owners of slaves from removing them beyond the limits of this State, and selling or settling them in other States, to the south and west of us? Surely this could not be done. No one will say it could! Nor need the fact be concealed; that after the meeting of the Convenvention, and before any order had been taken on the memorials on the subject of emancipation, laying on their table news reached the members from various quarters, that owners of slaves were in readiness to remove them to other States, if the Convention took a single step in the matter to the prejudice of what they considered their vested rights. The Convention believed that a benevolent regard for the slave population of this State prohibited them from granting the prayer of the memorialists.

The interference of the Convention in this matter, would have thrown a firebrand into the community, and kindled strife that would not be extinguished for years to come; and in doing so, they would have pulled down ruin on the head of the slave, instead of having ameliorated his condition. The Convention are persuaded, that while slavery exists in the United States, it is expedient, both for the benefit of the slave and the free man, that the slaves should be distributed over as large a territory as possible; as thereby the slave receives better treatment, and the free man is rendered more secure. They know full well, that though slavery has been recently banished from some of the States in the Union, yet while these States were legislating on the subject, many of the unhappy slaves themselves were transported by land and by water to the southern States, where they were placed in a more hopeless state of bondage, and where many of those very slaves still remain. They were satisfied that any interference on their part, on this delicate subject, would not in any manner benefit the slave; while at the same time it would have a direct tendency to bring about a state of things, that might make the stoutest heart tremble. Let the slaves in the United States, by the operation of any cause whatever, be congregated together within the bounds of three or four States; so that they can ascertain their own numbers and strength, concert plans among themselves, and co-operate with each other; then what is prevent a servile war? one of the greatest calamities with which a nation can possibly be afflicted. It cannot be denied, that in Tennessee, slaves are treated with as much humanity as in any part of the world, where slavery exists. Here they are well clothed and fed, and the labor they have to perform is not grievous nor burdensome. They are not prohibited from attending public worship on Sundays, and frequently they are taught to read at Sunday schools; and they have access to religious instruction and the means of grace, in common with the rest of the community. To this, there may be some exceptions, but it is believed they are *few and far between.* How would a removal of the slave population, from this State to the States south and west of us, operate on their condition? Would they not thereby be rendered much more uncomfortable? Would they not be more exposed to sickness and death by reason of the unhealthiness of the climate to which they would be removed? The ravages of the cholera among the slave population in Louisiana speak a volume on this subject. Would they enjoy the comforts of life in the same abundance they now do? Would not their future prospects of deliverance from bondage be rendered more distant and hopeless? Are they not in general attached to the homes they now have? And do they wish to change them? Who does not know that the slave population of this State are even now waiting with trembling anxiety the result of the deliberations of the Convention on this subject; fearing as they do, that a removal from this State is to be the consequence? If the prayer of the slave population of this State could be heard on this subject, it would be that the prayer of the memorialists might not be granted.

It is not intended to draw a comparison between the situation of the slave population in Tennessee and the situation of the laboring peasantry in European countries; but it is confidently believed, if that comparison were made, the situation of the slave in Tennessee would be found vastly preferable.

But suppose a provision to be inserted in the Constitution, that the children of all slaves in the State of Tennessee, to be born after a certain day should be free; and suppose (which cannot be done consistently with truth) that the slaves would not be removed, but would be permitted to remain where they now are, what then would be the consequence? Would not a scene most appalling be exhibited in process of time? The slave population in Tennessee in 1830, amounted to 142,530, and it cannot be doubted that it now amounts to 150,000—what will probably be the number of slaves in this State, when the time arrives that any provision that the Convention would make for their emancipation would go into operation. That they would amount to 200,000, is a moderate calculation. What then would be the condition of the community, with such a multitude of human beings turned loose in society, with all the habits, morals, and manners of the slave, with only the name and nominal privileges, but without any of the real blessings of liberty, or the real privileges of the freeman? Would not two distinct classes of people, in the same community array themselves against each other, in perpetual hostility and mutual distrust?

Would not the constant collision that would take place between them, produce a feverish excitement, alike destructive to the happiness of both parties? Would not the condition of the free people of colour, under the operation of the causes already enumerated, be more wrethed than the condition of the slaves. Would not the white portion of the community be more insecure with such a multitude among them, who had no common interest with, no bond of union to that part of the community, with whom they were mixed, and yet from whom they were forever separated by a mark of distinction that time itself could not wear away? The people of colour, numerous as they would be, with no kindred feeling to unite them to that part of the community, whom they would both envy and hate, would nevertheless, have at their command a portion of physical strength that might and probably would be weilded to the worst of purposes. They would look across the southern boundary of the State, and there they would see in a state of servitude, a people of their own colour and kindred, to whom they were bound by the strong bonds of consanguinity, and with whom they could make a common cause, and would they not be strongly tempted to concert plans with them, to exterminate the white man and take possession of the country. They would then possess the means of consulting together, of co-operating with each other, and let it not be forgotten, that they would be animated by every feeling of the human heart that impels to action.

Does it require the gift of prophecy to foretell that such a state of things could not exist, without endangering the peace, the prosperity, nay the very existence of society; without jeopardizing the dearest interests of our beloved State. Are the bloody scenes of St. Domingo forgotten; will not similar causes always produce similar effects; would not the same horrible tragedy be acted over again in our own country, at our firesides, and in our bed chambers? Surely the Convention were in duty bound not to meddle with a matter, their interference in which, could have accomplished no possible good, and might have produced evils beyond the power of calculation. But some of the memorialists pray, that when made free, the people of colour may be sent from among us and colonized. Have they counted the cost of such an enterprize? Would a million of dollars be sufficient to send the free people of colour to Africa? Where else could they be sent? Where could the money be procured?—Could it be raised by taxation; and would the people pay it? But suppose the money could be procured, would the people of colour consent to go to Africa? And being then free, they could not be compelled to go without their own consent. These are grave questions, and the committee think that probably the memorialists did not attentively consider them before they signed their names to the memorials now on the table of the Convention.

But the friends of humanity need not despair; the memorialists need not dread that slavery will be perpetual in our highly favoured country. Providence has already opened a door of hope, which is every day opening wider and wider. On the coast of Africa, the foundation of a mighty empire is already laid, and thither the sons and daughters of Africa, made free by the consent of their masters, and transported by funds furnished by the benevolent, shall repair, and carrying with them the blessings of civilization, and the truths and consolations of christianity, they will in process of time banish idolatry, ignorance and superstition from that wretched land, which has so long been a habitation of horrid cruelty. This plan has one advantage over every other that has been proposed, that it requires the consent of the slave to be colonized as a condition precedent to his emancipation. It possesses another advantage, it will more effectually combine the energies of the wise, and the good, and the benevolent, in its execution, than any other plan that has been devised. The ministers of our holy religion will knock at the door of the hearts of the owners of slaves, telling every one of them to let his bondman and his bondwoman go free, and to send them back to the land of their forefathers, and the voice of these holy men will be heard and obeyed, and even those who lend a deaf year to the admonitions in the hour of health, will, on a bed of sickness and at the approach of death, make provision for the emancipation of their slaves, and for their transportation to their home on the coast of Africa.

In this way, under the approving smile of Heaven and the fostering care of Providence, slavery will yet be extinguished, in a way that will work no evil to the white man, while it produces the happiest effects on the whole African race. The last thirty years has produced a great change in public sentiment on this subject, and it cannot be doubted that the next thirty years will produce a still greater one. And if misguided fanatics, in those parts of the United States where slavery does not now exist, will only refrain from intermeddling in a matter, in which they have no concern and in which their interference can do no possible good and may do much positive evil, slavery, with all its ills, will be extinguished as certainly and as speedily as the friends of humanity have any reason to expect. For let it be remembered, that there is an appropriate *time for every work beneath the sun;* and a premature attempt to do any work, particularly any great work, seldom fails to prevent success. A premature attempt on the part of a sick man to leave his bed and his chamber, would inevitably prolong his disease, or perhaps place it beyond the power of medicine. A similar attempt on the part of the poor man to place himself in a state of independence, by engaging in some plausible but imprudent speculation, would probably involve him in embarrassments, from which he could not extricate himself throughout the whole remaining portion of his life. So a premature attempt on the part of the benevolent to get rid of the evils of slavery, would certainly have the effect of postponing to a far distant day, the accomplishment of an *event* devoutly and ardently desired by the wise and the good in every part of our beloved country.

JOHN A. M'KINNEY, *Chairman.*

Mr CANNON moved to lay the foregoing report on the table, which motion he afterwards withdrew.

Mr DOUGLASS moved that one thousand copies of the report be printed, which motion he afterwards withdrew.

Mr KIMBROUGH then moved that said report lie on the table and be made the order of the day for Tuesday next, which motion prevailed.

Mr CANNON submitted the following:

Resolved, That the 26th section of the first article of the Constitution shall provide, that all lands held by deed, grant or entry, shall be subject to taxation according to its value, or as near as may be practicable, under such rules and regulations as may from time to time be provided by the Legislature, which shall be equal and uniform throughout the State: and that slaves, town lots, and all other property or capital, which may become subject to taxation, shall be on the same principle and ratio; so that no one species of property or capital of the same amount or value shall be taxed higher than another in this State, and the tax on white polls shall not exceed one half the tax on slaves.

On motion of Mr NELSON, the Convention again resolved stself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after sometime spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

FRIDAY, JUNE 20, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Greene of the Methodist Episcopal Church.

Mr FOGG from the committee who were appointed to inquire and report what number of Journals of the Convention should be printed for distribution, and to whom was recommitted the report made by them on the 29th May 1834,

Reported, that the committee have again had the subject under consideration, and had instructed him to make the following report; viz:

That they cannot ascertain the precise number of captains' companies in the State, as no exact returns have lately been made, but the number is about twelve hundred.

The number of public acts distributed after the last session were two thousand seven hundred and ninety, of journals one thousand three hundred and ninety five, of private acts one thousand three hundred and ninety five.

Your committee further state, that immediately after their report of the 29th May was adopted, fixing the minimum number of journals at six thousand, the public printers, upon the faith of said report, made a

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written contract and have actually purchased paper for six thousand copies, and it would be an act of injustice and a serious injury to the printers if the number were reduced. By reference to the journals of the House of Representatives of the last session, the number of legislative journals distributed to each county will be seen, and the distribution of the journals of the Convention can be made in the same proportion. The committee are informed that the printers wish to be furnished with manuscript from which to print, or rather be instructed whether they shall use that copy which has been furnished, and from which the daily journals are published: it will be advisable to appoint a committee to compare the copy with the journals, and to superintend the printing. The undersigned, therefore, recommend the appointment of a committee to superintend the printing, and they also recommend that the former resolutions recommended by them be again concurred in.

Respectfully submitted,
F. B. FOGG, *Chairman.*

On motion of Mr Fogg, ordered that said report lie on the table until Monday morning next.

On motion of Mr M'Clellan, the Convention resolved itself into Committee of the Whole, Mr Cannon in the chair, on the existing Constitution and the various resolutions to them referred proposing amendments thereto, and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

SATURDAY, JUNE 21, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Greene of the Methodist Episcopal Church.

Mr M'Gaughey submitted the following:

Resolved, That this Convention will adjourn on the 15th day of July next.

On motion of Mr Hess, ordered that the resolutions introduced by him on the 15th inst., relative to the Executive Department, be referred to the Committee of the Whole.

On motion of Mr Cahal, the Convention again resolved itself into Committee of the Whole, Mr. Cannon in the chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent the in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

MONDAY, JUNE 23, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Edgar of the Presbyterian Church.

The **PRESIDENT** presented the memorial of sundry citizens of Jefferson, Grainger, Hawkins and Greene counties, in relation to a new county; which was read and referred to the committee on new counties.

Mr **DOUGLASS** presented the memorial of sundry citizens of Wilson county, on the subject of a new county; which was referred, on his motion to the same committee.

Mr **KINCANNON** presented the memorial of sundry citizens of Giles, Lincoln, Maury and Bedford counties, on the subject of a new county; which was read and referred to the committee on new counties.

Mr **HUNTSMAN**, from the committee on privileges and elections, made a report upon the contested election between Col. Alexander and Col. Ward, which, on his motion was laid on the table, and on his further motion, ordered that the memorialist or his counsel have leave to examine said report.

Mr **WEBSTER** presented the following:

Whereas due time for reflection and mature deliberation, is at all times and in all cases necessary and proper, before the final action on subject matters of vital importance, whether by the sovereign people themselves, deliberative bodies, or individuals; therefore,

Resolved, That, if at the time and place pointed out by this Convention, for the adoption of the amended Constitution by the people, a majority of the qualified voters of the State should fail or refuse to adopt the new Constitution, then and in that case they shall have the right to vote for or against it at each and every election under the old Constitution for representatives, until the year , and should it appear that at any election within that period, a majority of said qualified voters, voting for representatives, have voted in favor of the amended Constitution, it shall be the duty of the Legislature next ensuing, to adopt it as the supreme law or Constitution of the State of Tennessee: which shall be and remain in force forever thereafter.

Mr **HUMPHREYS**, the following:

1st. *Resolved*, That the Judiciary power of the State, shall be vested in one supreme court, the jurisdiction of which shall be appellate only, and co-extensive with the State; in circuit courts and such other courts subordinate thereto, as the Legislature may from time to time direct and establish.

2nd. *Resolved*, That the State shall be divided into three districts: the Eastern, Middle and Western; the Eastern District shall consist of the counties of ; the Middle District shall consist of the counties of ; the Western District shall consist of the counties of . And the supreme court shall be held annually at some one place in each district for the final adjudication of all causes arising therein.

3rd. *Resolved*, That there shall be one judge selected in each of said districts, by the direct action of all the qualified voters therein; and that the three, so selected, shall hold their offices for the period of nine years, and shall jointly constitute the supreme court of the State.

4th. *Resolved*, That the Legislature shall divide the districts into circuits, and that the qualified voters of each district shall elect so many circuit judges as there may be circuits and no more, who shall hold their offices for the period of nine years; *Provided always*, That the Legislature shall have power so to fix the terms of service of the first judges who may be elected under this provision, in such a manner that their respective terms shall expire in succession, each ending in three years after the expiration of the last; and that such succession shall continue forever thereafter. And *provided further*, That the legislature shall have power to divide the middle into two election districts, if necessary.

5th. *Resolved*, That the governor shall have power to issue writs of election to fill any vacancies which may occur; which shall not be brought on sooner or later than twelve months after such vacancies may have taken place. During said period of one year, the governor shall have power to fill the vacancy; *Provided always*, That such judges so appointed or elected, shall hold their offices only during the unfinished term.

6th. *Resolved*, That each supreme and circuit judge shall reside in the district or circuit for which they respectively may have been chosen; that they shall have liberal salaries allowed them, which shall not be increased or diminished during continuance in office.

7th. *Resolved*, That the Legislature shall so direct the holding of the circuit courts, that each of the judges of the different circuits of the division shall preside in each of the courts of his division in succession, and shall also have power to transfer the judges of any one division to any other division, and to authorize the courts to transfer the trial of causes from any one division to any other division, or from any one circuit to any other circuit; *Provided always*, That the same shall be done by general standing laws, applicable alike to all cases and to all judges.

8th. *Resolved*, That the power of directing impeachments against any judge, shall be lodged in the Legislature by a joint vote, and that all impeachments so directed shall be tried by three judges of a different division and a jury, as at common law. The time, place and mode of trial, both with regard to the selection of the judges and the jury, shall be ascertained and regulated by general standing laws, applicable alike to all cases.

9th. *Resolved*, That any judge convicted of high crimes or misdemeanors, or of any malfeasance, shall be forever thereafter disqualified from holding any office of profit or honor under this State; and that any judge convicted of neglect of duty shall never thereafter be qualified to hold the office of judge.

Mr **Ridley**, the following:

Resolved, That the governor, judges and other civil officers of the State, subject under the present Constitution to trial by impeachment, shall be tried by indictment before such court and jury as this Convention may prescribe; and that for any cause, as for old age, &c., not constituting a crime or misdemeanor, a judge shall be removed by a vote of a majority of both Houses of the General Assembly.

On motion of Mr **Cahal**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in consideration thereof; the committee rose, reported progress, asked and obtained leave to sit again.

Mr **Walton** presented the memorial of sundry citizens of Sumner county, on the subject of a new county, which was read and referred to the Committee on that subject.

On motion of Mr **Gray**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

Tuesday, June 24, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Edgar of the Presbyterian Church.

Mr **Stephenson** presented the memorial of sundry citizens of Washington county, on the subject of education; which was read and referred to the committee on that subject.

Mr **Stephenson** moved to take up the report of the committee on the subject of printing the journals of this Convention, made on the 20th inst.; whereupon Mr Fogg moved to lay said report on the table until to-morrow; which prevailed.

On Mr **Kimbrough's** motion, the report made by Mr John A. M'-Kinney, from the committee to whom was assigned the duty of stating the reasons that governed the Convention, in declining to act upon the memorials presented to them on the subject of slavery; which report was made on the 19th inst. and ordered to the table, was taken up.

Mr **Kincaid** then moved to strike out of said report the following; to wit:

"But this is not all, the condition of a free man of colour surrounded by persons of a different cast and complexion is the most forlorn and wretched that can be imagined. He is a stranger in the land of his nativity, he is an outcast in the place of his residence—he has scarcely a motive to prompt him to virtuous actions or to stimulate him to honorable exertions. At every turn and corner of the walks of life he is beset with temptations, strong, nay, almost irresistable, to the force of which in most cases he may be expected to yield, the consequence of which must be that he will be degraded, despised and trampled upon by the rest of the community. When the free man of colour is oppressed by the proud, or circumvented by the cunning, or betrayed by those in whom he has reposed confidence, do the laws of the land afford him more than a nominal protection? Denied his oath in a court of justice, unable to call any of his own colour to be witnesses if the injury he complains of has been committed by a white man, how many of his wrongs must remain unredressed—how many of his rights be violated with impunity—how poor a boon does he receive when receiving freedom, if what he receives can be called by that name. Unenviable as is the condition of the slave, unlovely as slavery is in all its aspects, bitter as the draught may be that the slave is doomed to drink, nevertheless, his condition is better than the condition of the free man of colour in the midst of a community of white men, with whom he has no common interest, no fellow feeling, no equality. If the slave is sick, he has a master or mistress whose own interest will prompt them to furnish him with food and medicine and attendance suited to his situation; but when the free man of colour is laid upon a bed of sickness, who cares for him, what hand supplies his wants, who will step to his humble bed of straw and feel his pulse, or inquire into the symptoms of his disease, or even hand him a cup of cold water to allay his thirst? The slave is almost wholly exempt from care, when his day's work is done he lies down and sleeps soundly; if the crops are destroyed by mildew or blasting, his peace of mind is not disturbed thereby, and when old age overtakes him, and his limbs require rest and his hands can work no longer, in his master's house the law has provided him with a home and secured him a maintenance. He knows not at any time what it is to hear his children ask for bread when he has none to give them, they too are provided for. But who supplies the wants of the free man of colour, when old age overtakes him and he is unable to provide for himself? he has to contend with all the ills of poverty, aggravated by a sense of his own degraded situation, compared with those around him. The cold hand of charity will indeed sometimes throw him the crust that has fallen from the rich man's table, but even these donations he will not at all times receive, when they are greatly needed."

And the question being had on striking out, it was determined in the negative; ayes 12, noes 42.

The ayes and noes being demanded by Mr KINCAID,

The affirmative voters are,

Messrs. Armstrong, Bradshaw, Gillespy, Gray, Gordon, Kelly, Kincaid, Kimbrough, Mabry, M'Gaughey, Marr and Stephenson—12.

The negative voters are,

Messrs. Allen, Alexander, Burton, Blount, Cannon, Childre[illegible]hal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Hodge[illegible]

Huntsman, Humphreys, Hess, Kincannon, Ledbetter, Loving, M'Clellan, Robert J. McKinney, John A. M'Kinney, Montgomery, Neal, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley—42.

The question then recurred upon a concurrence with said report, which was determined in the affirmative ; ayes 44, noes 10.

The affirmative voters are,

Messrs Allen, Alexander, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Ledbetter, Loving, M'Clellan, John A. M'Kinney, Montgomery, Marr, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley—44.

The negative voters are,

Messrs Armstrong, Bradshaw, Gillespy, Kincaid, Kimbrough, Robert J. M'Kinney, Mabry, M'Gaughey, Neal and Stephenson—10.

And so said report was concurred with.

On motion of Mr Roadman, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And the Convention adjourned.

Wednesday, June 25, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Reverend Mr Edgar of the Presbyterian Church.

On Mr Fogg's motion, the report of the committee who were appointed to inquire and report, what number of the journals of this Convention should be printed for distribution, was taken up :

Mr Childress moved to strike out of said report, the words, "six thousand," and insert twelve hundred.

Mr Mabry moved to strike out six thousand and insert two thousand ; which motion the President declared out of order.

Mr M'Clellan moved a division of the question; and the question being had on striking out, was determined in the affirmative; ayes 36, noes 19.

The ayes and noes being demanded by Mr Stephenson,

The affirmative voters are :

Messrs President, Allen, Armstrong, Bradshaw, Burton, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Gray, Hodges, Humph[illegible]ys, Kelly, Kendall, Loving, M'Clellan, Robert J. M'Kinney, Mabry, [illegible]Gaughey, Montgomery, Neal, Roadman, Richardson, Ridley, Ro[illegible]on, Stephenson, Senter, Smith, Ury, Whitson, Walton, White, [illegible]ter and Weakley—36.

The negative voters are,

Messrs Alexander, Blount, Fulton, Fogg, Gillespy, Gordon, Hill, Huntsman, Hess, Kincannon, Kincaid, Kimbrough, Ledbetter, John A. M'Kinney, Marr, Porter, Purdy, Sharp and Scott—19.

Mr M'Clellan moved to fill the blank with three thousand:

Mr Porter moved to fill the blank with four thousand; and the question being had thereon, it was determined in the affirmative; ayes 38, noes 17.

The ayes and noes being demanded,

The affirmative voters are,

Messrs President, Alexander, Bradshaw, Blount, Cannon, Cheatham, Fulton, Fogg, Gillespy, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, M'Clellan, M'Gaughey, Montgomery, Marr, Neal, Porter, Purdy, Roadman, Richardson, Senter, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley---38.

The negative voters are,

Messrs Allen, Armstrong, Burton, Childress, Cahal, Cobbs, Cross, Gray, Kelly, Kendall, Robert J. M'Kinney, John A. M'Kinney, Mabry, Ridley, Robertson, Stephenson, and Smith—17.

The question was then had on a concurrence in said report as amended, and the sense of the Convention being had on agreeing thereto, it was decided in the affirmative.

On motion the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

On motion of Mr Ledbetter,

Ordered; That Messrs Cross, Mabry, Fogg and Purdy be added to the committee on the common school fund.

On motion of Mr Huntsman,

Ordered, That Messrs Fogg, Hess and Kincaid be appointed a committee to superintend the printing of the journals of the Convention;

And on motion of Mr Kincaid, that Messrs Ury, Kelly, Purdy and Robertson be added to said committee.

The Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various resolutions to them referred, proposing amendments thereto; and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

THURSDAY, JUNE 26, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Edgar of the Presbyterian Church.

Mr. Stephenson presented the memorial of Jesse J. James and others, on the subject of education; which was on his motion referred to the committee on that subject.

On motion of Mr. **Huntsman**, ordered that the report of the Committee on privileges and elections, made upon the contested election between Col. Alexander and Col. Ward, be recommitted to said Committee.

Mr. **Stephenson** presented the following protest for himself and others, against the adoption of the report of the select Committee, to whom was referred the various memorials of citizens of this State on the subject of slavery; which report was made to the Convention on the 19th inst. and moved that said protest be spread upon the journals: which motion prevailed; and which protest is in the following words, to wit:

"We the undersigned, submit the following reasons, for voting against the adoption of the report of the Committee on the subject of slavery, and against the proceedings of the Convention in relation to the numerous memorials on that subject from almost every portion of the State.

1st. We believe that the importance of the subject, deeply involving the interest and safety of the State, both in a political and moral point of view, together with the number and respectability of the memorialists, merited from this Convention a more respectful notice and consideration, than merely to appoint a Committee of three, with instructions to give reasons why the Convention would not take up and consider the matter.

2nd. We believe the principles assumed in the report, and the arguments used in their support, are in their tendency, subversive of the true principles of republicanism, and before we can consistently give them our unqualified assent, we must renounce the doctrine that "all men are created equal, that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness." Above all, we believe the report is at variance with the spirit of the Gospel, which is the glory of our land, the precepts and maxims of which are found in the Bible. One of its excellent rules is, "as ye would that men should do unto you, do ye even so unto them." Now to apply this golden rule to the case of the master and the slave, we have just to place each in the other's stead; then ask the question honestly, "What would I that my servant, thus placed in power, should do unto me?" Surely, (if I durst) I would say, "When I have paid to you with usury a full equivalent for all you had expended, in procuring me and providing for my support and comfort, you ought to be satisfied; this is all stern justice can require, and humanity and a regard for the rights of man would desire no more. Why then do you not permit me to go out free to pursue happiness in my own way?"

In our opinion, the committee have mistaken the object of the memorialists, when they say, that their plans cannot be carred into effect; when in fact they do not so far presume to dictate to the Convention, as to propose a plan, except that some of them say something about the time, and hint at colonization; but only respectfully ask the Convention to take the subject under their consideration, and endeavor to devise some means by which the State will ultimately be delivered from the curse and evil of slavery. It is admitted in the report, that slavery is an existing evil. If then it is a moral and political evil, a remedy may be found; and this is what the memorialists ask the Convention to endeavor to effect, and this we believe was not unworthy their serious consideration.

But we are told nature has placed on the man of color a mark of distinction, which neither time or circumstances can obliterate.

We admit the fact, but are nevertheless unable to perceive in that a good reason for denying to them the common rights of man. The words of eternal truth are, that God has made of one blood all nations that dwell upon the earth, and the undersigned, in the language of Cowper, are unwilling to "find their fellow creature guilty of a skin not colored like their own"; nor can we admit, as just, the rule that would assign to men their rights according to the different shades of color. In the opinion of the undersigned, all the evils, so strikingly and so eloquently portrayed in the report, respecting the free people of color whilst among us, apply with equal, nay greater force to the same people whilst in slavery; unless indeed slavery gives dignity to man. And although the memorialists do not hint at retaining the people of color amongst us when free, but ask that some means be devised for their removal; nor would the undersigned be understood as advocating any system of emancipation unconnected with or without a view to their colonization; yet we believe they would be happier and safer subjects of our government, as free men than as slaves. As we hold it wise policy in every government to make it the interest of all its subjects to support, defend and perpetuate its civil institutions, is it reasonable to suppose that any would desire the permanent existence of that government which denied to them all the rights of free men? Solomon in his wisdom has said, "oppression makes a wise man mad"; and notwithstanding the beautiful description given in the report, of the benefits of slavery, so fascinating that we were almost involuntarily constrained to exclaim, oh, the blessings of slavery! yet on reflection we are free to say, we have not fallen quite so much in love with it as to desire it for ourselves.

The report, apparently with an air of triumph asks, "who will administer to the wants of the free man of color, worn down by age and disease, stretched on his bed of straw?" In the spirit of truth and soberness we answer, the dear wife of his bosom, the children of his love and partners of his blood, bound to each other by the strong and indissoluble ties of natural affection; these, these can stand around his humble bed of straw, administer to his wants and alleviate his sufferings; not by "giving to him with the cold hand of charity the crust that has fallen from the rich man's table"; but, without grudging, giving to him the most suitable nourishment their circumstances will afford, receiving his parting advice, his parting blessing, his ardent, his anxious, his dying prayer to that God who is no respecter of persons, and that without being disturbed or controlled by the whim or caprice of any that might desire to lord it over them. We are told the more slaves are distributed over territory the better for all concerned: admit this to be true, it only proves the fewer there are of slaves the better. Then consequently the best of all would be to have none. If that is a good reason why any slave State should continue such, it would also be a good reason why every State in the Union, and that from motives of humanity, should become a slave State. The tendency of such a course would be to make slavery perpetual.

The undersigned admit, that it is probable the avarice and cupidity of some would prompt them to send their slaves to other countries, rather than be deprived of what they deem their vested rights. So will the same spirit prompt them to send them away, whenever they find it more gainful than keeping them at home; but that it would have such a general tendency, we think improbable especially, when we advert to the fact that a large portion of the memorialists are themselves slave holders, and also the fact admitted in the report, that within a few years an astonishing change has been produced in public sentiment on that subject; which is manifest from the loud and reiterated calls, for at least some prospective relief from the evils of that system.

The undersigned do not admit, that the refusal or neglect of other States to remove an existing evil is a justification for us. It is written, when the Jews desired a king, one of their reasons was that they might be like the heathen nations around them; but this then was declared, by the words of unerring truth, not to be good. In the Bible we have an account of a people once in bondage, and when the great God called for their deliverance, the cry of their oppressors was (as we believe in the spirit of the report) they be idle, they be idle. God hath said, let the oppressed go free, and he that oppresseth the poor reproacheth his Maker. The report supposes it a dangerous experiment: the command is nevertheless, go forward; although the Red Sea, starvation, degradation, with all the train of horrors so eloquently set forth in the report, stare you in the face. Is it better to obey God, or man? "As wise men, judge ye."

Viewing the report (as we do) a kind of apology for slavery, we have thus raised against it our feeble testimony, in discharge of a duty we owe, not only to the memorialists, but to that degraded people whose voice cannot be heard here: also to ourselves, to our country, and to our God.

MATTHEW STEPHENSON,
JOHN M'GAUGHEY,
RICHARD BRADSHAW
JAMES GILLESPY.

Mr. JOHN A. M'KINNEY moved a reconsideration of the question ordering the foregoing protest to be spread upon the journals; which motion he withdrew.

Mr. **Weakley** then renewed the motion of Mr. M'Kinney, and the question being had on agreeing thereto; it was decided in the negative.

Mr. **Mabry** submitted the following:

Whereas, it must be apparent to every member of the Convention, that the members are in great danger of sickness and death to continue their session in the city of Nashville, on account of the extreme warm weather and the uncertainty of the health of the city at this season of the year,

Resolved, therefore, That this Convention adjourn on the 27th June 1834, and that they meet in the town of M'Minnville on the 30th day of June 1834, for the purpose of finishing the revision of the Constitution of the State of Tennessee.

Mr **Mabry** moved to suspend the rule requiring resolutions to lie one day on the table; which motion, at the request of Mr Kimbrough, he afterwards withdrew.

And Mr **Burton**, the following:

Resolved, That the existing Constitution of this State be so amended, that there shall be established a supreme court of errors and appeals, to consist of not less than three nor more than five judges. They shall hold one term of the supreme court in each and every year, in the three grand divisions of the State; viz: one term in East Tennessee, one in Middle and another in the Western District of this State; the time and place of holding the same, to be designated by the Legislature.

On motion of Mr **Walton**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

Friday, June 27, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Edgar of the Presbyterian church.

Mr **Garrett** submitted the following:

Resolved, That the 1st section of the 9th article of the Constitution shall be in the following words; to wit;

"That every person who shall be chosen or appointed to any office or appointment of trust or profit, under this Constitution or any law made in pursuance thereof, shall before entering on the execution thereof, take an oath to support the Constitution of this State and of the United States; an oath of office, and also the following oath: 'I do solemnly swear (or affirm, as the case may be) that I have not either directly or indirectly given, promised or bestowed any gift or reward in meat, drink, money or otherwise to be elected to the office, upon the discharge of the duties of which I am now about to enter.' "

On motion of Mr STEPHENSON, the Convention resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

SATURDAY, JUNE 28, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev Mr Edgar of the Presbyterian church.

On motion of Mr GARRETT,

Ordered, That the resolution introduced by him on yesterday, as an amendment to the 1st section of the 9th article of the existing Constitution, be referred to the Committee of the Whole.

On motion of Mr GARRETT,

Ordered, That the memorials on the subject of emancipation, be recommitted to the committee on that subject.

Mr GARRETT submitted the following:

Resolved, That the committee appointed to draft and present the reasons which influenced the Convention in declining to act upon the various memorials upon the subject of emancipation, be instructed to inquire and report the number of memorialists upon said subjects, what number of them purport to be slaveholders, and what number of them purport to be non-slaveholders; and in what counties in the State said memorialists reside, so far as practicable; and that they report further what the memorialists requested the Convention to do on the subject of emancipation.

On Mr GARRETT's motion, the rule requiring resolutions to lie one day on the table was suspended, and said resolution was read and adopted.

Mr GARRETT also submitted the following:

1st. *Resolved*, That the Constitution of the State of Tennessee should be so altered or amended, that the General Assembly should have no power to pass any law chartering any bank company, or corporation with authority to such bank, company or corporation, to issue bills or notes, or contract debts, in their corporate or company capacity, without subjecting the individual property of the stockholders in such bank, corporation or company, to the payment of said bills or notes.

2nd. *Resolved*, That the Legislature should have no power to create any stock, to be vested in any bank which would operate as a pledge of public faith, and subject the taxable polls and property within the State of Tennessee to taxation for its redemption.

3rd. *Resolved*, That the Legislature shall have no power to grant divorces.

4th. *Resolved*, That the Legislature shall have no power to release any fines or amercements that may be assessed, or forfeitures that may have accrued in any of the courts of record in this State: but that the power of granting divorces, and releasing fines, amercements and forfeitures, be vested in the judicial department of the government, in such manner as the General Assembly shall direct and prescribe; *provided*, any law upon either of said subjects passed by the General Assembly shall be general and equal in its operations throughout the State.

And Mr MARR the following:

Resolved, That free persons of color, including Mulattoes, Mustees and Indians, were not parties to our political compact, nor were they represented in the Convention which framed the evidence of the compact, under which the free people of the State, and of the United States, are associated for civil government; nor are they recognized by our political fabrics as subjects of our naturalization laws; but on the contrary, are, by the Constitution and laws of the United States, prohibited from being brought to the United States, either as property, or as being within the scope or meaning of our provisions relating to naturalization and citizenship; and hence their supposed claim to the exercise of the great right of free suffrage, is, and shall be, not only not recognized, but prohibited.

Resolved, That all free white men of the age of twenty-one years and upwards, who are natural born citizens of this State, or of any one of the United States, and all who have been naturalized and admitted to the rights and privileges as citizens of the United States by our laws, and who, being inhabitants of this State, and who have a fixed or known residence in the county or election district, six months immediately preceding the day of election, shall be entitled to vote for members of either house of the General Assembly, in and for the county or district in which they may reside. And that every free white male citizen of this State, who hath resided six months in any one county or election distrct in the State, and shall subsequently have removed to and settled within any other county or district shall be privileged to vote therein; although he may not have resided and been settled there six months next before the election. And that every free white male person of the age of 21 years and upwards, possessing a free-hold in any county or district in this State, wherein he may be at the time of an election, although he may not be an inhabitant of such county or district, being however a citizen of this State, shall be allowed to vote therein by virtue of such freehold, provided he may not have voted, and cannot get to the county or district of his residence to vote, at said election in due time to give his vote.

On Mr. MARR's motion, the rule requiring resolutions to lie one day on the table, was suspended, and said resolutions were read and referred to the Committee of the Whole.

On Mr Burton's motion, the resolution heretofore submitted by him, on the 26th June, on the subject of the Judiciary was ordered to be referred to the Committee of the Whole.

On motion of Mr. Humphreys,

Ordered, That Messrs. Cheatham, Montgomery, Garrett and Robertson be added to the Committee on private and local legislation.

On motion of Mr Ledbetter, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

Monday, June 30, 1834.

The Convention met according to adjournment and was opened with prayer, by the Rev. Mr. Hatton of the Cumberland Presbyterian Church.

The President presented the memorial of sundry citizens of Knox county, on the subject of slavery; which, on motion of Mr Garrett, was read and referred to the committee on that subject.

On Mr Robert J. M'Kinney's motion,

Ordered, That the rule requiring the Secretary to call the roll every morning be rescinded.

Mr Huntsman, from the committee on privileges and elections, to whom was referred the memorial of Col. Edward Ward, contesting the election of Adam R. Alexander Esq. the delegate from the county of Shelby, and to whom was recommitted the report heretofore made and laid on the table, reported that the committee have had the same under consideration, and have instructed him to make the following

REPORT.

The committee on previleges and elections have again had the subject, of the contested election between Col. Ward and Col. Alexander, under consideration, and beg leave to state, that when this subject was first submitted to their consideration, they entered forthwith upon the duties assigned them, with a view to determine the controversy promptly, not only on account of the parties concerned therein, but with a view of settling a controversy, which your committee supposed Shelby county was deeply interested in. But upon the very threshold of the examination they discovered, as they have heretofore reported, that the vast mass of testimony produced to them *did not come within the rules of testimony, and could not be received by them as such unless the parties would agree to waive all irregularities and legal exceptions, and submit it for the action of the committee as legal evidence, and for it to be so considered by them.* With this view the chairman of your committee was directed to address the communication marked A, and herewith filed, dated the 26th of May 1834, to both the gentlemen. On the 27th of May, Col. Alexander responded to this communication by letter, which is herewith filed marked B, from which it appears that he was not willing to waive any legal exceptions, unless the committee would act immediately upon the testimony and decide the controversy; in that event he *consented to waive all exceptions.* Col. Ward required time for consideration, and on the 29th of May, the parties filed a written agreement with the committee, which accompanies this report under the character of exhibit C, which with some verbal explanations led your committee to believe, and so they reported to your honorable body, that the gentlemen interested had *relieved the committee and the Convention from much embarrassment by an amicable arrangement between themselves, that such testimony as had been taken, by notice or by lists interchanged and furnished to each other, shall be considered by the Committee as legal.* But to this latter clause there is no written agreement, and it only rests within the recollection of the parties and some of your committee, and it is possible that it may be misrecollected or misunderstood; but with this view your committee immediately set to work, in order to adjust the matter. They were however directly met with other difficulties, which they did not consider were comprehended within the pale of any agreement, either verbal or written. There was a large portion of the testimony taken to show that the voter had not resided six months in the county, but it was wholly silent as to whether he possessed a freehold or not—for it was possible that although he had not six months residence, yet he might have a freehold. Your committee, feeling extremely anxious to dispose of this matter with as little expense and delay as possible, directed their chairman to address the letter marked D, to both of the gentlemen, and they received written answers from each, marked E and F. The sitting member seemed to throw the matter somewhat upon the discretion of the committee. The latter clause of the answer of the memorialist, which relates to the only point on which your committee was desirous of information is in the following words: "*We agreed to take testimony by certificates, but did not form (or agree to) any particular form in which said certificates should be written. I would be strongly inclined to believe that where there has been nothing said about freehold, there has been none possessed by the pesson giving the certificate.*"

From the foreging circumstances, your committee were led to believe, (however erroneous in that belief they have may been) that the parties intended, that when the certificates testified to a want of six months residence only, it was to be taken that there was no freehold possessed. With this understanding they proceeded, with great difficulty on some other points which will be hereafter mentioned, to determine the case. But your committee have since been informed by the memorialists, that they were mistaken in drawing the inference, "*that where there has been nothing said about freehold, there has been* *none possessed,*" when speaking in reference to those certificates: as there is a considerable number of votes which stand in this situation, the report and accompanying documents were recommitted to your committee for a further and more strict examination. Your honorable body will discover, from the letters written by the committee to those gentlemen, that the questions are put to them in plain and direct terms, as to the points which they were desired to admit or deny. And if the answers have not been sufficiently plain and direct, to enable the committee to avoid incorrect conclusions and inferences, it is not the fault of the committee. They furthermore suppose, that if they have been mistaken in the meaning of the parties when they have responded in writing, it is much more probable that they may have been mistaken in what may have been verbally said or admitted by either.

Your committee will here remark, that if they had proceeded in the first instance in strict conformity with the rules of evidence, there was not one particle of legal evidence on either side. The parties produced no written agreement which had been entered into between them which could have been substituted in the place of the rules of law, and they disagreed, as to the extent of what their verbal agreement was, in some respects. And after your committee had been induced to believe, (as before reported) that the parties had agreed to certain preambles, they found from the great intricacy and uncertainty of the testimony, it being so contradictory and clashing in its character—some of it upon oath—some not upon oath. In some instances, the same person has certified one fact and afterwards sworn directly contrary thereto. In other cases, one person has sworn to a fact positively, and others, either by affidavit or certificate, contradict him by way of invalidating his testimony. Certificates are given on one side, and certificates are given by other persons in pointed contradiction of the first. A father certifies his son was not of age—the son swears he *was*. Certificates or affidavits are given that such a person was not a freeholder—other certificates or affidavits are given to prove that he *was*. Some of these certificates or affidavits carry suspicions of falsehood upon the very face. These have most probably been taken in the absence of the parties, and there is no implication thrown upon them; yet it throws vast difficulties in the way of the committee in arriving at any correct conclusion. Some of these certificates are vague in their character, to such an extent that your committee cannot tell what construction to give them. And amidst all the contradictions, it is impossible for your committee to determine which side tells the truth, or which should be credited, or which thrown aside; or how much weight is to be given to this, or how much to that witness. It is possible if the witnesses were examined and cross-examined before the committee, that, either by the manner of giving in testimony or contradicting themselves in attempts at evasion or concealment of truths; they might enable the committee to judge more correctly of the credibility of each. But it is impossible to do so, when this contradictory evidence is on paper, and nine tenths of it not sworn to, even before a justice of the peace. Your committee, upon the most thorough examination and re-examination, have come to a conclusion, that if there had been no misunderstanding or misapprehension in regard to what was agreed upon, it would not be possible for them, without having the witnesses face to face and a thorough examination of them upon oath, to come to any correct determination between the parties, and then it would probably end in guess-work, by reason of the contradictory character of the testimony. It is utterly impossible for the committee, with all the labor and examination (which has been immense) that they have bestowed upon the subject, to arrive at any opinion or conclusion as to who is elected, and therefore they have abandoned it as hopeless. They therefore recommend that the election be declared void, and that it be submitted again to the people of Shelby county for their re-action upon it. This course is the more freely recommended in this case, because it appears that the amount of votes received, by the sitting member and the memorialist both, does not amount to a majority of the voters in the county of Shelby; and there can be no doubt, but the votes of Shelby county can decide this contest infinitely better than your committee or this Convention; and it is furthermore probable that it will save a long, tedious and expensive investigation before the House. It may be that neither party would be satisfied with the determination of the committee against him; and the whole matter would be reöpened before the House for investigation. If so, it will consume a considerable time in the whole body, and your Committee do not believe that the House would arrive at any correct conclusion.

Resolved, Therefore, that the election of delegate for the Convention, held for the county of Shelby in March last, is hereby declared void, and that a writ of election be issued, from the President of this Convention, countersigned by the Secretary and directed to the sheriff of Shelby county, commanding him to open and hold an election at all the election precincts in the county on the   day of July next, for a delegate to this Convention and make return accordingly.

ADAM HUNTSMAN, *Chairman*.

Mr Porter moved that the documents accompanying said report be read by the Secretary; which motion he afterwards withdrew.

Mr Allen moved a non-concurrence with so much of said report as went to deprive the sitting member Col. Alexander from his seat.

Mr Robertson asked to be excused from voting on this subject, alleging that he was related to one of the parties; which request was granted.

Mr M'Gaughey moved to lay said report upon the table; which prevailed.

Mr Burton of Wilson, rose in his place, and said,

Mr President:—

I rise in my place to announce to the Convention, that a mighty man has fallen: the great, the good Lafayette is now numbered with the dead! The zealous supporter of American Liberty, the bosom friend, the companion in arms of the Father of our country is no more! He ended his career at Lagrange, on the 20th of May last in his 77th year. I hold in my hand sundry resolutions, expressive of the feelings of regret of this Assembly on this mournful event, and that constitute in themselves, a small tribute of respect to the memory of this illustrious individual. I hope—I know, they will receive the unanimous approbation of this Convention.

Mr BURTON then submitted the following preamble and resolutions, which after being amended, on the suggestion of Mr Fogg of Davidson, by the addition of the last resolution, were adopted *unanimously.*

Whereas, this Convention has received the melancholy intelligence that the brightest ornament of the age in which he lived, the venerable and beloved Lafayette, departed this life on the 20th day of May last, at Lagrange in the Kingdom of France; and being deeply impressed with a sense of gratitude, for the important services rendered by him in our revolutionary struggle—and deploring his loss as we do, in common with the friends of freedom throughout the civilized world.

Resolved, Therefore, as a testimony of respect and gratitude to departed worth, that the members of the Convention wear crape on the left arm, as a badge of mourning, for thirty days.

Resolved, That all the officers of the State of Tennessee both civil and military, be requested to testify their regret for the friend and companion of the Father of his country, by wearing a similar badge, for the space of thirty days.

Resolved, That the President of this Convention be requested to direct a copy of these resolutions to be transmitted to the family of the deceased General, expressing the deep regret of the people of Tennessee at the loss of the benefactor of their country, and our sympathy with them in this afflicting dispensation of Divine Providence, and to assure them that the name of LAFAYETTE in this nation, will ever be associated with virtue and patriotism.

On motion of Mr M'GAUGHEY the Convention again resolved itself into Committee of the Whole, Mr Cannon in the chair, on the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr CHILDRESS submitted the following:

Whereas, it is believed that this Convention will submit the Constitution, now about to be made, to the people for their adoption or rejection; and whereas the people of Tennessee in their sovereign capacity will necessarily be compelled to pass upon the same, as one entire proposition; therefore,

Resolved, That the following be added to the rules governing this Convention, in finally voting upon the adoption of this Constitution.

Resolved, That this Convention will upon the second reading, take the vote upon each entire section.

Resolved, That upon the third and last reading, the vote be taken upon the whole Constitution; in the same way that it will be submitted to the people of Tennessee.

On motion of Mr Gray, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, and asked and obtained leave to sit again.

And then the Convention adjourned.

Tuesday, July 1, 1834.

The Convention met acccording to adjourrment, and was opened with prayer, by the Rev. Mr Smith, of the Cumberland Presbyterian Church.

Mr Robert J. M'Kinney submitted the following:

Resolved, That the committee on privileges and elections, be discharged from the further consideration of the contested election between Cols. Ward and Alexander.

Mr Robert J. M'Kinney moved, that the rule requiring resolutions to lie one day on the table, be suspended; which motion prevailed, and said resolution was adopted.

Mr Garrett submitted the following,

Resolved, That Adam R. Alexander is the proper and legally returned delegate to this Convention from the county of Shelby, and as such is entitled to a seat in this Convention.

Mr Cannon submitted the following:

Resolved, That the memorialist, Col. Edward Ward, contesting the election of Col. Adam R. Alexander, be permitted to take a seat within the bar of the House, and entitled to the privilege of being heard during the investigation of that subject.

On motion of Mr Cannon, the rule requiring resolutions to lie one day on the table was suspended, and said resolution adopted.

Ordered, That the Secretary forthwith furnish Col. Edward Ward with a copy of the foregoing resolution.

Mr Walton submitted the following:

Resolved, That the members of this Convention take an oath to do equal and impartial justice between Col. Edward Ward and Col. A. R. Alexander, in the contested election now pending before the Convention, to the best of their understanding.

Mr Walton moved a suspension of the rule requiring resolutions to lie one day on the table; which motion did not prevail.

On motion of Mr Marr, the report of the committee on elections made on the 22nd May last, was taken up and read.

Col. Ward appeared, and had a seat within the bar assigned him.

Mr Humphreys, in behalf of Col. Adam R. Alexander, asked that he as sitting member be excused from voting on all questions touching the present contested election; which request was granted.

Mr **Burton** moved that the last report of the committee on privileges and elections be taken up, read and concurred in; which motion he afterwards withdrew.

Col. **Ward** presented a memorial, in the form of a written argument; which at his request was read, and is follows; to wit:

Nashville, July 1st, 1834.

To the Honorable the President and Delegates in Convention assembled:

Your memorialist has seen and read the second report of the Committee on privileges and elections, in relation to the contested election between Col. Alexander and himself.

From said report it appears, that said committee have concluded to recommend to the Convention, "that said election be declared void, and that it be submitted to the people of Shelby county for their reaction upon it, in committee of the whole county." The report further says, "that it is probable that it will save a long, tedious, and expensive investigation before the house—that it is probable that neither party would be satisfied with the determination against him—that the whole matter would be reopened before the House for investigation —that it would consume considerable time in the whole body, and that they do not believe the house could arrive at any just conclusion."

That your honorable body may be enabled to pursue that course, which will be most in accordance with the law and testimony, in reference to the parties concerned, and to end most speedily this contest, your memorialist begs leave to dissent from the last report of the committee upon the subject, and ask the same to be laid upon the table, until all the testimony and certificates furnished to the committee, and all the correspondence between the parties and the committee, and the first report of the committee, which was withdrawn for consideration and his memorial or address, marked A, containing objections to said first report, and the notes and agreements of the parties, and one or more notes from your memorialist to the committee, and said last report be read to the whole house, the reading of which altogether, your memorialist believes would conduce to the adjustment of this contest.

Your memorialist would then ask the house to recommit the subject to the committee with instructions to receive and take said memorial or letter A as the rule and basis of their construction of the evidence adduced, and of the certificates submitted, and that said committee report thereon. If this instruction should be refused and the house should conclude it to be its duty to refer the election to the people, for further action, I then pledge myself to your honorable body, that to avoid the long, tedious, and expensive investigation, from which, when made, the committee say "that they do not believe the house could arrive at any correct conclusion," to avoid the strife and contentions which an election would necessarily produce among the citizens of Shelby county, in the present divided state of their feelings, and above all, from a conviction of judgment, that I could not, if elected, take a seat in the Convention as late as five or six days after the contemplated election, with any hope of rendering much, if any, service to my country—I will, under these circumstances and for these reasons, withdraw myself from the contest and recommend to the Convention to continue to Col. Alexander the privileges of his seat, as the returned member from and for Shelby county. I cannot reconcile it for a moment to my feelings, that Shelby county should be unrepresented in the Convention one hour, to avoid this I made no objection to Col. Alexander taking his seat as the returned member, at the commencement of the session of this Convention.

What effect this course may have in the ultimate decision of this contest, will be known to every member of this Convention, by himself and himself alone, for each member must decide for himself how far he may be influenced by feelings of personal respect, that have been generated and strengthened by long and intimate associations, that our feelings and actions are and will be affected in this way, even when we are unaware of it, must be obvious to every man who is well acquainted with himself. But I rely upon the honesty and intelligence of this Convention for a decision, uninfluenced by any personal considerations other than such as humanity cannot avoid.

With proper respect, your ob't servant,

EDWARD WARD.

Mr Blount moved that the first report made by the Committee on privileges and elections, and withdrawn by said Committee, be taken up and read, which motion he afterwards withdrew.

Mr. Huntsman moved that the exhibits accompanying the last report of said Committee be taken up and read; and said motion prevailing, the exhibits were taken up and read.

Mr. Blount renewed his motion to take up and read the first report of said Committee; which motion prevailed, and said report was accordingly read.

Mr. Fogg called for the reading of the protest of Col. Ward, which had been submitted to the Committee on privileges and elections; which was read.

Mr Cahal moved that all the evidence in relation to the contested election between Cols. Alexander and Ward be printed for the use of the members of the Convention; upon which motion no order was taken.

Mr. Huntsman moved to lay the certificates, &c. on the table, and that the parties have liberty to separate and classify them: Which motion he afterwards withdrew.

Mr Fogg moved that all the documents relating to said contested election, be laid on the table until Thursday morning next; and that the contesting parties be requested to separate and classify the certificates belonging thereto; which motion, at the request of Mr. Allen, he withdrew.

Mr Allen submitted the following.

Whereas, the Committee on privileges and elections, whose province it is to determine in the first instance all contested elections, cannot determine which of said parties is elected, on evidence apart from the Sheriff's certificate. And whereas said Alexander has said certificate, without imputation of fraud. And whereas the original report recognized the election of said Alexander. Now to settle the same, as both parties pray for an early determination:

Resolved, That Adam R. Alexander the sitting member is entitled to a seat in this House.

Mr Fogg renewed his motion to lay on the table:

Mr Porter moved to amend Mr. Fogg's motion by striking out Thursday and inserting Wednesday; which was accepted by Mr Fogg.

And then the Convention adjourned.

Wednesday, July 2, 1834.

The Convention met according to adjournment and was opened with prayer, by the Rev. Mr. Hatton of the Cumberland Presbyterian Church.

Mr Childress submitted the following:

Resolved, That the action of this Convention be had in the case of the contested election between Cols. Edward Ward and Adam R. Alexander, without discussion on the part of the members; that after hearing and examining the evidence, and hearing what each of the contending gentlemen may have to say thereon, the same close.

Mr Childress moved a suspension of the rule requiring resolutions to lie on the table one day—which motion, at the request of Mr. Garrett, he afterwards withdrew.

On motion of Mr Weakley, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

On motion of Mr. Childress, his resolution submitted to-day was taken up and the rule suspended; and on his further motion said resolution was ordered to the table.

On motion of Mr. Garrett, the contested election between Cols. Alexander and Ward was taken up.

On motion of Mr. Allen, his resolution submitted yesterday was taken up and read.

The memorialist was then heard at length on the floor in support of his claim to a seat for Shelby county; to which the sitting member was heard at length in reply.

Mr. Garrett submitted the following resolutions as an amendment of the resolution of Mr Allen, and in lieu of the resolution presented by the report of the committee on privileges and elections, to wit:

Whereas, it seems that in the contested election between Col. Edward Ward and Col. Adam R. Alexander, there is no testimony produced of a legal character, which can be received by this Convention as such, unless it is presented by the agreement of the parties, waiving all exceptions to illegality, and whereas the parties have not submitted such agreement as the Convention are satisfied with, but disagree as to the terms of some of the agreements that the committee appointed by this Convention had supposed the parties entered into; therefore,

Resolved, That this Convention cannot receive any of t he testimony produced in this case as legal, unless the parties will come to an agreement as to the whole of the disputed points, in regard to said testimony.

Resolved, That Adam R. Alexander, the sitting member from Shelby county, retain his seat until evidence of a purely legal character be adduced to the Convention, to show that he is not entitled to his seat, or until the parties make an agreement by which the present testimony shall be received; and which agreement shall cover all points of controversy between them, as to the extent of said agreement, and particularly in relation to those points which they, the said parties, were requested by the committee to agree upon, in order to legalize the testimony heretofore taken.

Mr Cahal moved that the certificates and evidence submitted to the committee be read: which motion he afterwards withdrew.

Mr Burton withdrew his motion made yesterday, to concur with the report of the committee on privileges and elections.

Mr. John A. McKinney moved to lay all the papers and reports relative to said contested election, on the table; which motion he afterwards withdrew.

On motion of Mr Fulton, the agreement of the parties in relation to taking evidence, was taken up and read.

On motion of Mr Porter, the letters from the chairman of the committee on privileges and elections, to the parties, and their respective answers thereto, were taken up and severally read.

Mr. Carter moved, that a select Committee of three be raised on the contested election between Col. Ward and Col. Alexander, to whom shall be referred all the documents, testimony and papers relative to said contested election, with instructions to inquire, whether the agreement made by and between said Ward and Alexander, with regard to the admissibility of the testimony taken and produced in said contest is sufficiently obligatory on the parties to legalize the informal testimony thus taken; and to report to this Convention.

Which motion prevailed,

The President appointed Messrs. Fogg, Fulton and White to be of said Committee.

And then the Convention adjourned.

THURSDAY, JULY 3, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr HATTON of the Cumberland Presbyterian Church.

Mr LEDBETTER submitted the following:

Resolved, That the Convention will not sit on to-morrow (the 4th July) to do business.

Mr LEDBETTER moved a suspension of the rule requiring resoluions to lie one day on the table; which motion prevailed.

Mr M'GAUGHEY moved to lay said resolution on the table;

Which motion was decided in the negative.

The question then recurred on the adoption of said resolution, which was decided in the affirmative—ayes 35; noes 22.

The ayes and noes being demanded by Mr Armstrong,

The affirmative voters are,

Messrs Allen, Alexander, Burton, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Hodges, Huntsman, Humphreys, Hess, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, Mabry, Montgomery, Marr, Nelson, Purdy, Richardson, Ridley, Ury, Whitson, Walton, White, Webster and Weakley—35.

The negative voters are,

Messrs President, Armstrong, Bradshaw, Cobbs, Gray, Hill, Kelly, Kendall, McClellan, Robert J. M'Kinney, John A. M'Kinney, M'Gaughey, Neal, Porter, Roadman, Robertson, Stephenson, Senter, Smith, Smartt, Sharp and Scott—22.

Mr FOGG, from the Select Committee appointed on yesterday on the contested election from Shelby county, submitted the following

REPORT.

The Committee to whom were referred the papers upon the contested election between Col. Ward and Col. Alexander, with regard to the admissibility of the testimony taken and produced in said contest, is sufficiently obligatory on the parties, to legalize the informal testimony; respectfully report to the Convention:—that they have had the subject referred to them under consideration, and have examined all the papers necessary to enable them to form an opinion. A case of contested election between two individuals for a public office, is similar to other cases at law, so far as regards the rules of evidence, and the same rules of evidence that would be legal in an action for money had and received for the fees of an office, in a suit at law, to try a title to that office, would be also binding in the case of a contested election. It is a suit between two individuals for a public office, and the question to be decided by the proper forum, is, for whom did a majority or plurality of the qualified electors give their votes? It is a case of more than ordinary interest, in which the people have a great concern; but still it is a contest to be decided according to general principles of law and evidence, except that the house, which is an exclusive judge of elections, sometimes gives a more extensive latitude than courts of law. Your Committee have had before them no evidence as to the agreement between the parties before the session of the Convention; and as to such agreement, if any, it is probable that it is unnecessary to make any inquiry. On the 26th of May, 1834, a letter was addressed by the chairman of your committee of elections to Cols. Alexander and Ward, to which reference will please be had, requesting the gentlemen to make an agreement in writing, waiving objections to the illegality of the testimony, otherwise it would be necessary to take depositions or have the witnesses before the Committee. To this letter Col. Alexander replied on the 27th of May, and agreed, upon condition that the Committee proceeded immediately to a decision &c., that he would waive all objections to the testimony taken in the form of certificates. Col. Ward in his answer of 28th May, agrees to waive all objections, except as to certain certificates taken by Col. Alexander, after they last parted in Shelby county; or he prays time to procure further testimony, and also rebutting testimony to the last named certificates.

On the 29th May, the parties agree in writing "that the evidence shall be taken in the form of the testimony *now* before the Committee, with this exception, that it shall be on oath, before a Justice of the Peace, or subscribed to by the subscribing witness, and that Col. Ward have the privilege of taking rebutting testimony, if he may deem proper, on those certificates given after his departure from Shelby county."

Your Committee can give no other sensible construction to this agreement, than that it was an admission by both parties to comply with the request of the committee of elections, and was a waiver of the legal rules of evidence; and so far as relates to the testimony then before the committee and the subsequent certificates taken by Col. Alexander, they were to be read and other evidence to be taken, in the manner prescribed in said agreement. The condition of the agreement in the letter of Col Alexander, is believed by your committee to be superceded by the agreement of the 29th of May.

On the 20th June, 1834, the committee of elections addressed another letter to Cols Alexander and Ward, the object of which was not to ask the gentlemen for their opinion upon any question, but to ascertain, 1st. what was their understanding or agreement when they took certificates specifying a want of residence and saying nothing about a freehold, and 2nd. if there was no original agreement or understanding upon that question, whether they could then make an agreement. Col. Alexander's letter in reply does not intimate that there was any original understanding or agreement, nor does he state in the letter that any agreement can be made, but in a subsequent verbal communication made to the chairman of the committee, Col. Alexander stated that it was his understanding, where nothing was stated as to freehold, that the certifier had no freehold. Col. Ward in his reply states, that "I presume we both thought that freeholders who were called on to give testimony would certainly set forth that they were freeholders;" and in a subsequent part of the letter he says, "I would be strongly inclined to believe, that where there has been nothing said about freehold there has been none possessed by the persons giving the certificate." These were his views upon the subject, about which an inquiry was made by the committee of elections, who had suspended certain certificates and could not decide upon the validity of the votes, unless they were informed what had been or would be the understanding and agreement of the contesting parties.

Your Committee believe that a fair and legitimate inference must be drawn from Col. Ward's reply to the committee, that it was his understanding that where the certificates said nothing about freehold, there was none possessed by the certifier or deponent; and that the committee of elections properly so construed his expressions.

Your Committee further report, that they are satisfied that the agreement made between Col. Alexander and Col. Ward, with regard to the admissibility of the testimony, is sufficiently obligatory on the parties, to render legal the informal testimony taken on both sides.

They are also of opinion, though perhaps it is not strictly within their province, that upon the application of either party, he ought to be allowed to take additional testimony, as to the freehold qualification of the voters, where certificates are silent upon such subject.

The Committee received the enclosed communication from the sitting member, but as it is not referred to them to decide whether the Convention is bound by what occurred before the committee of elections, we leave that matter, if necessary, for future consideration.

Respectfully submitted:

F. B. FOGG, *Chairman.*

On motion of Mr. Fogg, said report was laid on the table till Monday next.

Mr Webster presented the memorial of sundry citizens of the counties of Rutherford, Warren and Bedford, on the subject of new counties.

Which, on his further motion, was laid on the table.

On motion of Mr Burton, the Convention again resolved itself into Committee of the Whole, Mr. Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred, proposing amendments thereto; and after some time spent in the consideration thereof, the Committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

Friday, July 4, 1834.

The Convention met according to adjournment.

On motion of Mr Roadman,

Ordered, That the reading of the Journal of the preceding day be dispensed with.

Mr Fogg submitted the following:

Whereas, the return of the Anniversary of our National Independence, recalls to our recollection the important privileges secured to us by our forefathers, which demand the gratitude of a whole nation; and whereas, it has been announced to us within the past week, that the great and good Lafayette, one of the earliest supporters of our liberty and independence, and the last surviving Major General of our revolutionary army, had been removed to another and a better world; therefore in honor of the day, and in token of our respect and veneration for the memory of that illustrious man, whose purity of life and distinguished services to our country have endeared him to the heart of every American,

1st. *Resolved*, That the members of this Convention and its officers, with other citizens of our State and such strangers as may choose to join with us, will go in procession to the Methodist Episcopal Church, to hear the Declaration of Independence read, and a discourse suitable to the occasion delivered.

Resolved, That this Convention do now adjourn until to-morrow morning at the usual hour.

And the rule being suspended, the said preamble and resolutions were unanimously adopted.

Mr. John A. McKinney, moved that a Committee of three be appointed to wait on the Rev. Mr Gwin of the Methodist Episcopal Church, and inform him that the Convention are now ready to march in procession to the Methodist Church, to hear such discourse as the occasion requires and he may think proper to make—which motion prevailing,

The President appointed Messrs. Fogg, Roadman, and Loving, the said Committee—who thereupon proceeded immediately to discharge the duty assigned them; and after a lapse of a few minutes, the committee returned accompanied by the Rev. Mr. Gwin; who, thereupon offered a fervent and appropriate prayer to the throne of Grace—at the conclusion of which

The Convention adjourned till to-morrow morning at 9 o'clock.

[The Convention then formed, and marched in procession to the Methodist Episcopal Church, in this city; when the Declaration of Independence was read by the Rev. Mr. Senter, and the Rev. Mr. Gwin delivered a handsome, eloquent and appropriate Address.]

Saturday, July 5, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Hatton of the Cumberland Presbyterian Church.

Mr Gray moved, that the Convention resolve itself into Committee of the Whole.

Mr. HUNTSMAN then moved that the Convention adjourn until Monday morning, the usual hour; whereupon Mr. Gray demanded the ayes and noes.

The ayes and noes being taken, it was determined in the affirmative; ayes 23, noes 20.

The affirmative voters are;

Messrs. President (Carter,) Alexander, Blount, Cobbs, Cheatham, Fulton, Fogg, Garrett, Gillespy, Hodges, Huntsman, Humphreys, Hess, Kincannon, Loving, John A. M'Kinney, Mabry, Marr, Porter, Purdy, Senter, Ury, and Weakley—23.

The negative voters are,

Messrs. Armstrong, Bradshaw, Cross, Gray, Hill, Kelly, Kendall, Kimbrough, M'Clellan, Robert J. M'Kinney, M'Gaughey, Neal, Nelson, Roadman, Robertson, Stephenson, Smith, Smartt, Sharp and Scott—20.

And then the Convention adjourned.

MONDAY, JULY 7th, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. WELLER of the Episcopal Church.

Mr. WHITSON presented the memorial of sundry citizens on the subject of education; which was read and referred to the Committee on that subject.

Mr HUMPHREYS presented the memorial of sundry citizens of Fayette and Hardeman counties, asking a new county; which was read and referred to the Committee on new counties.

On motion of Mr ROADMAN, the Convention resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr BLOUNT submitted the following,

Resolved, That the judicial power of this State shall be vested in one supreme court, in circuit courts, in chancery courts, in county courts of quarter sessions of the peace for each county, each of which descriptions being alike proper to be established by the Constitution to compose the judiciary system, and in justices of the peace; and also in such other courts as the Legislature may from time to time establish, to wit: Orphans' courts, courts of probate, and courts for granting letters of administration and letters testamentary, as branches of the county court, or people's court as it is most emphatically called: and that the Legislature assign the proper jurisdiction to each and every description of the above courts, as the public good may from time to time require; specifying also what number of justices of the peace shall constitute a court of quorum for the trial of causes, and likewise what number of justices of the peace shall be required to be present; for the transaction of business relating to taxes for county purposes and for appointing collectors of the same; and also what number shall be required to be present for the transaction of any and all other county business. But this Convention shall designate what number of judges shall compose the court of errors and appeals and the Legislature shall designate what number of judges shall compose each circuit court, and also what number of chancellors there shall be, and shall likewise fix on the times and places each and every of said courts of law and equity, thus established by the Constitution, shall sit; and also limit the duration and term of said courts respectively; but the Legislature shall not at any time change the character or description of any of said courts. That Judges, Chancellors, Attorneys General or District Solicitors and Justices of the Peace, shall be elected by the Legislature *viva voce*, and their vote be placed on the journals of each House: that the tenure of office of said Judges, Chancellors, Attorneys General or Solicitors and Justices of the Peace, shall be that of good behavior, to be judged of by a court of impeachment only, and that too on complaint of any person aggrieved, who is a party to a suit in any of said courts and hath had cause to complain. That each court shall appoint its own clerk, during good behavior, removable however, by the court for wilful neglect, misconduct, or ascertained incapacity in office, or for any other good cause, relating to the public interest or public morals, or for malfeasance in office of any description

And also the following:

Resolved, That the court of errors and appeals be constituted a court for the trial of all impeachments, to be preferred by the House of Representatives against the Governor, the Secretary of State, the Judges of the circuit courts, Chancellors, and District Solicitors, which trial shall be by the aid of a jury, to find the facts growing out of the testimony or connected with the case. That the Legislature shall appoint three men of law knowledge, to be a court for the trial of any impeachment, when preferred by the House of Representatives against any Judge of the court of errors and appeals, and that the trial shall be, by the aid of a jury to find the facts growing out of the testimony connected with the case. That the circuit courts shall respectively be constituted the court for the trial of indictments in the nature of impeachments, when preferred against any of the inferior officers of the departments of the Government; and that the trial shall be by and with the aid of a jury, to find the facts growing out of the testimony or connected with the case, and that such an impeachment shall be preferred as the law may direct as to inferior officers above alluded to; and that the law shall also specify the description of offences which shall be thus impeachable, making any description of wilful misconduct in office, supported by creditable evidence, an impeachable offence.

On motion of Mr Blount, it was ordered, that the foregoing resolutions be referred to the Committee of the Whole.

On motion of Mr **Roadman**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

Tuesday, July 8, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr **Weller** of the Episcopal Church.

On motion of Mr **White**, the Convention again resolved itself into Committee of the Whole, Mr Cheatham in the Chair, upon the existing Constitution and the various resolutions to them referred proposing amendments thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

The report of the select committee on privileges and elections, made on Thursday last, in relation to the contested election, between Adam R. Alexander, the sitting member from the county of Shelby, and Edward Ward, was taken up, considered, and concurred with.

On motion of Mr **Allen**, the report of the standing committee on privileges and elections, made on Monday, the 30th of June last, on the same subject, was taken up, and being read, Mr Allen moved a non-concurrence with so much thereof as declares the election void and proposes to refer it again to the voters of Shelby county; which motion prevailing,

Mr **Fogg** submitted the following in lieu; to wit:

"*Resolved*, That this Convention proceed to hear the testimony adduced by the parties."

Which resolution, with the consent of Mr Fogg, was laid on the table.

Mr **Huntsman**, at the request of Mr Fulton, moved a re-consideration of the vote of the Convention, concurring with the report of the select committee on privileges and elections.

And thereupon the question was propounded, "will the Convention re-consider the vote of concurrence," and determined in the affirmative.

And after much argument had thereon, the question was again submitted, "will the Convention concur with the report," and determined in the affirmative.

And thereupon the Convention adjourned.

Wednesday, July 9, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr **Hess** of the Cumberland Presbyterian Church.

Mr **John A. M'Kinney**, from the committee on the subject of emancipation, made the following

REPORT:

The committee to whom was referred the duty of assigning the reasons why the Convention declined acting on the memorials presented on the subject of emancipation, and to whom the memorials on that subject were referred, and to whom said memorials have been recommitted, with instructions to report the number of the memorialists, the parts of the State in which they reside, what number of the memorialists purport to be slaveholders, what plan of emancipation they purpose, &c., have again had the subject under consideration and respectfully submit the following additional report:

The committee are aware that a supplemental report in this case has become necessary, from the circumstance that certain members of the Convention have spread upon the journals, and sent abroad to the public, what they are pleased to call a protest against the former report made by this committee, and against the Convention for receiving that report, and also against the manner in which the Convention acted in relation to the memorials, presented by sundry citizens of this State, on the subject of emancipation. In which protest it is asserted, that these memorials came from *almost every part of the State;* that a large portion of them were slave holders; that they had not proposed any particular plan of emancipation; that the Convention did not treat the memorialists with due respect; that the doctrines contained in the report, are at variance with the spirit of the Gospel, and are subversive of true republicanism; and that the report so accepted by the Convention, is only an apology for slavery. If these assertions be true, then the report ought to be execrated by every member of the community; and the Convention are exceedingly blameable for receiving it and for their want of respect to the memorialists; but, on the contrary, if every one of the statements in the protest are untrue, or mistaken, then a just community, an intelligent public, will lay the blame where it ought to lie. The committee have carefully examined the memorials, and find the number of signatures attached to them, to be one thousand seven hundred and eighty-two; and one memorial has since been received from Knox county, with twenty-two names, which would make the whole number of signers one thousand eight hundred and four. Of whom one hundred and five purport to be slaveholders, and though it may be true, that a few of the memorialists who do not state themselves to be slaveholders, may be so in point of fact, yet the committee, from the inquiry they have made and the means of knowledge they possess on this subject, believe the number to be very inconsiderable, if any. It cannot, therefore, be true, in any common acceptation of the term, that a large portion of the memorialists were slaveholders, as is asserted in the protest, and the inference drawn from that assumed fact, in the protest, is *altogeth-*

er incorrect. The committee are satisfied from the inquiries made by them, that all the slaveholders who signed the memorials presented to the Convention, are not the owners of five hundred slaves, and probably not of half that number; and how the signers of the protest came to draw the inference, that because the owners of some two or three hundred slaves wish to have them emancipated, therefore the owners of the residue of the hundred and fifty thousand slaves in this State, would not remove them from the State, in the manner suggested in the report, the committee cannot tell; but they are sure the conclusion is not a fair deduction from the premises.

The committee further state, that as far as they have been able to ascertain, the memorials came from persons residing in the counties of Washington, Greene, Jefferson, Cocke, Sevier, Blount, M'Minn, Monroe, Knox, Rhea, Roane, Overton, Bedford, Lincoln, Maury and Robertson. That the number of memorialists residing in Washington is two hundred and seventy-three, in Greene, three hundred and seventy-eight, in Maury thirty-three; in Overton sixty-seven, in Robertson twenty-four, in Lincoln one hundred and five, in Bedford one hundred and thirty-nine; but as some of the memorials appear to be signed by the inhabitants of more than one county, the committee cannot designate the number from each; but as far as they have been able to ascertain, the memorialists reside in the counties already named: from which it appears that from forty-six counties in this State, no memorials on the subject of emancipation have been presented; and from more than two-thirds of the sixteen counties from which memorials did come, the signers are very few in number: it is therefore evidently incorrect, that those memorials came from almost every part of the State; and all the inferences drawn from that assumed fact are *obviously delusive.* And, indeed, when the committee consider the facility with which signers to petitions and memorials, for almost every purpose, can be procured; and when they further reflect, that of the five hundred and fifty thousand, the supposed number of the free white population of this State, only eighteen hundred and four have signed the memorials laid on the table of the Convention, they esteem it any thing else than an expression of the public sentiment on this subject.

The committee further state, that the memorial from the county of Washington, is almost the only one that does not propose a definite plan of emancipation. Of the residue, thirty in number, about one half of the memorials ask to have all the children of slaves in this State, which shall be born after the year 1835 made free, and that all the slaves in the State shall be made free in 1855, (within twenty-one years from this date) and that they shall all be sent out of the State: all the other memorials request, that all the slaves shall be made free against the year 1866, and that they may be colonized. The memorialists, therefore, did propose a plan of emancipation, the utter impracticability of which, must be apparent to all who examine it for a moment. To assert that the hundred and fifty thousand slaves now in this State, together with their increase, could be emancipated and colonized in the short term of twenty-one or even thirty-two years, with the aid of any means at the command of the State, is a proposition so full of absurdity, that no person in his sober senses, who had taken any time to reflect on the subject, could possibly maintain.

The Committee, on behalf of themselves and the honorable body of which they are members, feel it to be their duty to repel the charge of treating the memorialists with any disrespect. The memorials were all read at the table by the Secretary, and were listened to attentively by the members: after being read they were laid on the table, until some member would call them up for consideration. The member from Washington moved to have them referred to a select committee of thirteen, (one from each Congressional District,) with instructions to that committee to devise a plan of emancipation in conformity with the prayer of the memorialists. The member from Madison moved to lay the resolution of the member from Washington on the table until after the rise of the Convention; and then the Convention were called upon to decide whether it was right and proper for them to waste time, expend the public money, and kindle ill feelings among the members in discussing a plan, which every member of the Convention knew full well, and none better than those who signed the protest, could not be accomplished; and on this point a large majority of the Convention thought, that duty called on them not to enter upon a discussion which could effect no good, and might produce much evil: but in all this, not a disrespectful word was spoken of the memorials, or the memorialists; no one impugned their motives or expressed any doubts as to the correctness of their intentions; and the Committee are well justified in saying that it was in the flow of good feelings, and as a mark of respect to the memorialists, that a committee was appointed to state the reasons which induced the Convention to refuse to act on the subject. Although, to as many of the memorialists as purported to be slaveholders, the Convention might have said with great propriety, begin the benevolent work you have so much at heart, by emancipating *your own slaves* and sending them to the land of their ancestors; you cannot reasonably ask other people to be at the expense of colonizing your slaves; your conduct will have a salutary influence in prompting others to do the same; for example is far more persuasive than precept: you need not the aid of the Convention to enable you to do this; and in doing it, you will give a proof of the sincerity of your wishes on the subject, and at the same time you will enrol your names among the benefactors of mankind. To the memorialists who represent themselves as non-slaveholders, they might have said, you need not have knocked at the door of the Convention, asking its aid in a matter in which you are so little interested; if slavery be an evil, from your own showing you are not oppressed with it: if it be a sin to own slaves, that sin lies not at your door, nor will you be answerable for it: if the soil that is moistened by the sweat of the slave, lies under the malediction of Heaven, your soil is not liable to that curse, nor will your crop be injured by it.

In this language the Convention might have addressed the memorialists; but in this language and in this spirit they did not address them. No, they spoke to them in the language of kindness, and in soberness and truth, told them the reason, why the prayer of their memorials could not be, and in their opinion ought not to have been, granted. The Committee are, therefore, authorized to say, that it is not true that the memorialists were treated with any disrespect by the Convention. Whether the report heretofore made, and accepted by the Convention, be at variance with the spirit of the Gospel or otherwise, is a question the committee will leave to others to determine: but they may be permitted to remark, that it is at least possible, for persons to talk much about the Gospel, who do not understand its doctrines nor remember its precepts. The committee understand the precepts of the Gospel to be addressed to every one individually; and that the individual so addressed is bound to obey those precepts, under the penalty of receiving such punishments as shall be inflicted by Him who, when he sits in judgment upon the children of men, will deal with each of them according to what *he* has done, and not according to what his *neighbor* has done. The committee understand the precepts of the Gospel as calling on every man to obey them himself; but they do not understand them as telling him to take his neighbor by the throat to compel him to obey them. To apply this to the case under consideration, the committee have no doubt that the precepts of the Gospel apply to every man's own conscience on the subject of slavery, and tell the owner of the slave to act accordingly, both as it regards his treatment and his emancipation; but there is no precept known to the committee, which says to any person, you shall compel your neighbor to do whatever you think right in any case. To explain themselves more fully, the committee believe that if any of the persons who signed the protest are slaveholders, then according to their own opinions, as expressed by themselves, they ought instantly to set their slaves free and colonize them; otherwise they will stand condemned by the judgment pronounced by themselves, as violators of the precepts of the Gospel: but while the committee would award to them in the fullest extent, the right to judge their own conduct in this respect; they deny that they have any right to sit in judgment on others and condemn them; they remember the language of holy writ on this very subject: "*Who art thou that judgest another man's servant; to his own master he standeth or falleth.*"

But after all, what can be collected from the sayings and doings of the first teachers of Christianity on the subject of slavery? At the time of the promulgation of the Gospel, slavery existed in that part of the world where the glad tidings of "*peace on earth and good will to man*" were first proclaimed; and in a much worse form than it now exists in this State; for then the master had the power of life and death in his own hands, and might put his slave to death with impunity; and yet on this subject, we do not hear of one word spoken by the Divine Author of Christianity, nor by his forerunner, nor by his followers and disciples, out of their mouths, we hear of no denunciation, against slaveholders; nor do we hear of their presenting any memorials to the rulers of the nations among whom they were scattered, praying them to abolish slavery or to emancipate the slaves then abounding in those nations. For the sake of illustration, the committee will exhibit as an example, the conduct of one of the most eminent, most unwearied, and most successful ministers of that holy religion: behold Paul of Tarsus, a man who was born a Roman citizen; who was a learned man, educated at the feet of Gamaliel; who was so eloquent that he could make the Roman Governor tremble on the judgment seat, and almost persuade the unbelieving Agrippa to be a christian; this great man, who exhibited the sincerity of his profession, by suffering cold and hunger and cruel persecutions of almost every kind, and finally martyrdom itself in the holy cause of religion, what did he do in a case of this kind? He found a runaway slave named Onesimus, and converted him to christian faith; but we do not hear that he told him that slavery was a dreadful thing, that his master Philemon was a violator of the Gospel for holding him in bondage, and that he had no right to his services. No such thing. Paul sends the runaway back to his master, and writes a letter to Philemon, of which letter we have a copy to this day. But in it, he does not speak in the language of the protest, and tell him he is a very wicked man for holding his fellow-man as a servant. No, Paul does not speak to Philemon in the self-righteous language of the proud Pharisee, who thanked God that he was not as other men; on the contrary, he speaks to him in the kindest language and calls him his dearly beloved Philemon; slaveholder as he was, he acknowledges him to be a christian brother, and expresses the most unshaken confidence in his sincerity. It is true he tells him, that he expects he will receive back his runaway, then converted to christianity, as something more than a servant; but still he recognizes Philemon's right as a master by sending his servant back to him again. There can be no doubt that ever since the light of the Gospel has shone upon our dark benighted world; its precepts operating on the heart of man, have caused many a master to ameliorate the condition of his slave, by better treatment or by making him altogether free; yet that effect has not been produced by noisy denunciations from one person to another, telling him what he ought to do, but by every one applying the precept to his own conscience and acting accordingly. The signers of the protest do not pretend to show *how* the principles assumed in the report, are in their tendency subversive of the principles of republicanism, but only assert them to be so.

It is very obvious that the great end for which a republican government is instituted, is to promote peace, protect property, and to preserve all the rights and privileges of every member of the community. Therefore, whatever has a tendency to the attainment of these ends, is in perfect accordance with the principles of a republican government. If a proposition was made to introduce slavery into a community where it never before existed, that proposition would be contrary to the doctrines on which a republican government is founded. But in a community where slavery has, by the permission of the laws, existed for a long period of time—where slaves are exceedingly numerous, and where perhaps a majority of the members of the State are slaveholders, and when the State has no funds at its disposal, out of which to compensate the owner of the slave, which ought to be done if he loses that right which he obtained by the sanction of the law, then it is in perfect accordance with republican principles, that the minority should submit to the will of the majority; more especially if the majority do not attempt to compel the minority either to acquire slaves or to keep them if they have them already. In addition to all this, if the State has not the means of removing the emancipated slaves beyond its limits, nor of colonizing them abroad, and if they cannot be permitted to remain after they are emancipated, without endangering the peace and destroying the happiness of the community, surely in a case of that kind a sacred regard for the very end for which a republican government is instituted, forbids the adoption of a measure, the obvious tendency of which, would be to defeat that very end. If the emancipation of one hundred and fifty thousand slaves and their increase, in the term of twenty-one years or even in a much longer period, be utterly impracticable; if it would turn loose on society a mass of population which could not either be removed or permitted to remain, who, while they could not enjoy happiness themselves, would inevitably destroy the happiness of the white population; and if the measure in its enactment would take away rights and privileges solemnly guarantied by the laws of the State, surely those who are charged with the duty of preserving pure and entire, all the privileges and immunities of the whole community, ought not to adopt a plan, the tendency of which would be, to destroy the very things they are bound to preserve, and at the same time to sap the very foundation of a republican government.

The committee are fully persuaded, that great mischief may be done by raising expectations in any class of the community, which are not to be, and which cannot be, realized; and they believe there is something very uncandid in condemning others for not adopting a measure, which the fault-finders would have been the last to have adopted. They will not pretend to divine what ends are to be accomplished by such a course of conduct; but of one thing they are satisfied, that the people of Tennessee, just, generous and intelligent as they are, will examine and determine for themselves.

JOHN A. M'KINNEY, *Chairman.*

Mr Garrett moved a concurrence with said report; but before any question was had thereon, on motion of Mr Kincaid, it was *ordered*, that said report be laid on the table.

On motion of Mr Fogg, his resolution made on yesterday, on the subject of the contested election between Adam R. Alexander the sitting member from Shelby county and Edward Ward, was taken up and read.

In lieu of which, Mr Garrett submitted the following:

Whereas, it appears to this Convention, that there is some dissatisfaction arising out of part of the agreements said to have been made between Col. Edward Ward and Col. Adam R. Alexander, and the committee on privileges and elections, in relation to legalizing certain testimony produced to said committee, and for the purpose of doing equal and impartial justice between the said Ward and Alexander, and placing them in the same situation they were in before any agreements were made:

Resolved, That this Convention will receive no testimony in the contested election between Cols. Ward and Alexander, except that of a purely legal character; any supposed agreement between the parties to the contrary notwithstanding.

Resolved, That either party be entitled to such process, by way of commission to take depositions or otherwise, as will enable them to produce their testimony, in a legal manner before the Convention.

And the rule being suspended, and the question had on receiving said resolutions in lieu of Mr Fogg's resolutions, it was determined in the affirmative; ayes 37, noes 18.

The ayes and noes being demanded by Mr Mabry,

The affirmative voters are,

Messrs President (Carter), Allen, Bradshaw, Blount, Cannon, Childress, Cross, Fulton, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kimbrough, Ledbetter, M'Clellan, Robert J. M'Kinney, John A. M'Kinney, M'Gaughey, Montgomery, Marr, Neal, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Senter, Smith, Smartt, Ury, and Webster—37.

The negative voters are,

Messrs Burton, Cahal, Cobbs, Cheatham, Douglass, Fogg, Gordon, Kincannon, Kincaid, Loving, Mabry, Stephenson, Sharp, Scott, Whitson, Walton, White and Weakley—18.

The question then recurring upon the adoption of said resolutions, it was determined in the affirmative; ayes 37, noes 18.

The ayes and noes being demanded by Mr Kincaid,

The affirmative voters are,

Messrs President (Carter), Allen, Bradshaw, Blount, Cannon, Childress, Cross, Fulton, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kimbrough, Ledbetter, M'Clellan, Robert J. M'Kinney, John A. M'Kinney, M'Gaughey, Montgomery, Marr, Neal, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Senter, Smith, Smartt, Ury and Webster—37.

The negative voters are,

Messrs Burton, Cahal, Cobbs, Cheatham, Douglass, Fogg, Gordon, Kincannon, Kincaid, Loving, Mabry, Stephenson, Sharp, Scott, Whitson, Walton, White and Weakley—18.

And so said resolutions were adopted

Mr Combs submitted the following:

1st. *Resolved*, That the Convention forthwith proceed to the examination of the testimony, in the contested election between Col. Edward Ward and Col. Adam R. Alexander; and

2nd. *Resolved further*, that upon the application of either party, he be allowed to take further testimony, before the case shall be finally disposed of.

And the rule being suspended, a division of the question on the two resolutions, was moved by Mr Garrett; and prevailed.

The question was then had upon the adoption of the first resolution and determined in the affirmative.

The question being then had upon the adoption of the secon lution; it was determined in the affirmative.

And so said resolutions were adopted,

And then the Convention adjourned.

Thursday, July 10, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Weller of the Episcopal Church.

After the morning business was gone through, the Convention resumed the consideration of the contested election between Adam R. Alexander and Edward Ward.

Mr Cannon moved that the Secretary proceed to read the testimony adduced by the memorialist.

On motion of Mr Allen, it was

Ordered, That before the reading of the testimony is commenced, the sitting member and the Secretary be furnished with a list of the challenged voters.

Mr. Alexander, the sitting member, signified to the Convention, that he would dispense with such list.

On motion of Mr Childress, it was

Ordered, That the list furnished the Secretary by the memorialist, shall specify the class of testimony to which each certificate or deposition belongs.

The certificate of Gerrard Billington was then read; whereupon,

Mr Humphreys moved to exclude the said certificate, on the ground that said testimony was not of a purely legal character, in conformity with the resolution adopted by the Convention; but before any determination was had upon said motion,

Mr. Loving, on behalf of Col. Ward, moved for leave to be heard by counsel at the bar of the Convention, upon questions arising upon the present contested election; which leave was granted.

Whereupon, Colonel Ward introduced to the Convention Wm. E. Anderson Esq. as his counsel.

Mr Humphreys withdrew his motion.

Mr Huntsman then, on the suggestion of Mr. Anderson as counsel for Col. Ward, moved for a reconsideration of Mr Garrett's resolution made on yesterday:

And the sense of the Convention being had thereon, it was determined in the negative; ayes 17, noes 38.

And the ayes and noes being required those who voted in the affirmative are,

Messrs. Burton, Cahal, Cobbs, Cheatham, Douglass, Fogg, Gordon, Kincannon, Kincaid, Loving, Mabry, Stephenson, Sharp, Scott, Whitson, White and Weakley—17.

Those who voted in the negative are

Messrs. President (Carter), Allen, Bradshaw, Blount, Cannon, Childress, Fulton, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, M'Clellan, Robert J. M'Kinney, John A. M'Kinney, M'Gaughey, Montgomery, Marr, Neal, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Senter, Smith, Smartt, Ury, Walton and Webster—38.

And so the Convention refused to reconsider said resolution.

Mr GORDON submitted the following:

Resolved, That the memorialist and the sitting member from Shelby, are and were competent to make an agreement relative to the mode of taking evidence to be used in the contested election, and that such agreement will be regarded as valid and binding upon them, and upon the Convention in the decision of said contest.

Mr GORDON moved to suspend the rule requiring resolutions to lie one day on the table, and the question being had on said motion it was determined in the negative.

Mr HUMPHREYS renewed his motion for the rejection of the certificate of Gerrard Billington.

Mr ANDERSON, as Col. Ward's counsel, was heard against the rejection of the testimony; but before he concluded his remarks, he gave way for a motion for adjournment.

And before the question for adjournment was put

Mr ALEXANDER, the sitting member from Shelby moved for leave to be heard at the bar of the Convention, by counsel, on the questions touching the contested election; whereupon it was ordered by the Convention that he have such leave.

And then the Convention adjourned.

FRIDAY, JULY 11, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Right Rev. Bishop OTEY of the Episcopal Church.

Mr. HUNTSMAN submitted the following:

Resolved, That the Constitution be so amended, that contested elections for seats in the Legislature shall be determined by the circuit or chancery courts of the district or county, wherein such contest may have originated, under such rules, regulations and restrictions as the Legislature shall provide.

After the morning business was gone through, the Convention again resumed the consideration of the contested election between Adam R. Alexander and Edward Ward.

Mr **Alexander**, the sitting member, introduced to the Convention, Samuel H. Laughlin Esquire, as his counsel.

Mr **Humphreys**, at the request of Mr Webster, withdrew his motion for the rejection of the certificate of Gerrard Billington.

Mr **Webster** then submitted the following:

"Whereas, in the case of the contested election between Col. Alexander and Col. Ward, the parties have appeared by counsel before the Convention, and to the end that justice may be done, they have been invited to seats within the bar of the Convention, with the right to investigate the claims of their respective clients to a seat within this body:

"Therefore, in order to expedite the business of this Convention,

"*Resolved*, that during the investigation of said contested election, no member of the Convention shall give an opinion, except in writing, to be read at the Secretary's table."

Mr **Webster** moved a suspension of the rule requiring resolutions to lie one day on the table, and the question being had "will the Convention suspend the rule," it was determined in the negative; ayes 14, noes 39.

The ayes and noes being required by Mr Humphreys,

Those who voted in the affirmative are,

Messrs. Armstrong, Burton, Childress, Cahal, Cross, Gray, Hill, Huntsman, Kelly, Kincaid, Porter, Richardson, Smith, and Webster—14.

Those who voted in the negative are,

Messrs. Allen, Bradshaw, Blount, Cannon, Cobbs, Cheatham, Douglass, Fulton, Fogg, Garrett, Gillespy, Gordon, Hodges, Humphreys, Hess, Kendall, Kimbrough, Ledbetter, Loving, M'Clellan, Robert J. M'Kinney, John A. M'Kinney, M'Gaughey, Montgomery, Marr, Neal, Nelson, Purdy, Roadman, Ridley, Stephenson, Senter, Sharp, Scott, Ury, Whitson, Walton, White, and Weakley—39.

And so the Convention refused to suspend the rule.

Mr **Smith** submitted the following:

"*Resolved*, That the memorialist and the sitting member, be permitted to have read before the Convention the whole of their certificates and affidavits, in regular order, as they have arranged and classed the same, before the Convention proceed to decide on the competency or purely legal character of the same or any part of them."

Mr **Smith** moved a suspension of the rule requiring resolutions to lie one day on the table; and the sense of the Convention being had thereon, it was determined in the negative.

Mr **Humphreys** renewed his motion to reject the testimony of Gerrard Billington.

Mr. **Anderson**, as Col. Ward's counsel, resumed the floor in opposition to the rejection of said testimony, and was followed by Mr **Laughlin**, as Col. Alexander's counsel; in support of Mr. Humphreys' motion.

The question recurring upon the adoption of said motion of Mr

Humphreys, and the question being had thereon, it was determined in the affirmative; ayes 44, noes 11.

The ayes and noes being demanded by Mr Humphreys,

The affirmative voters are,

Messrs President (Carter,) Allen, Armstrong, Bradshaw, Blount, Cannon, Childress, Cheatham, Cross, Fulton, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, M'Clellan, Robert J. M'Kinney, John A. M'Kinney, M'Gaughey, Montgomery, Marr, Neal, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton and Webster—44.

The negative voters are,

Messrs Burton, Cahal, Cobbs, Douglass, Fogg, Gordon, Kincaid, Stephenson, Scott, White and Weakley—11.

And so the Convention rejected said testimony.

And then the Convention adjourned.

SATURDAY, JULY 12, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr HESS of the Cumberland Presbyterian Church.

Mr CAHAL presented the following reasons which influenced him to vote against the motion made on yesterday by Mr Humphreys, to reject the testimony of Gerrard Billington, in the contested election between Adam R. Alexander and Edward Ward; which he read in his place, and moved that the same be spread upon the Journal of the Convention; which motion prevailed, and which reasons are in the following words, to wit:

"In the case of the contested election between Adam R. Alexander and Edward Ward, I voted against the motion made by Mr Humphreys to exclude the certificate of Gerrard Billington, because I considered, that under the agreements made by the returned member Adam R. Alexander, and the memorialist Col. Ward, this certificate and all others of a similar character, taken in pursuance of such agreement, were admissable and competent evidence, to establish the facts which they purport to prove, according to the well settled and known principles of the common law. I believed that it was competent for the contesting parties to make an agreement, that they would mutually dispense with the ordinary rules and forms of taking testimony, and that any such contract would be as obligatory on them in this case, as one made in relation to any matter of litigation about a private right, and that the Convention was as much bound to sanction any such contract, as an ordinary court of judicature would be to admit informal testimony, where the litigant parties had agreed to waive all exceptions. And although the Convention had adopted a resolution on the 10th instant to 'receive no testimony, except that of a purely legal character, any agreement of the parties to the contrary notwithstanding,' I did not believe myself, when sitting as a judge, bound by it. I voted against this resolution, but still, had it been adopted prior to the agreements made between Col. Alexander and Col. Ward, and anterior to the accrual of their rights in the testimony which they had taken under it, on the principle that the minority ought to submit to the majority, I should have regarded it as obligatory on me, and should have regulated my vote by it. But adopted as it was during the pendency of the trial, I considered it retrospective in its operation and calculated to deprive the parties of vested rights, and therefore absolutely void. I viewed it in the same light that I would an unconstitutional law, passed by a legislature, to deprive a man of his vested rights pending a trial in a court of justice; which I know every judge in the country would be bound to disregard. I believed that the Convention in the trial of the contest between these gentlemen, was bound to observe the same rules of law and evidence that would govern an ordinary court, in a trial about any matter of private property between individuals. I knew that a court would be bound to receive any testimony where the litigant parties had agreed to waive exceptions on account of informality, and that such court would be bound to disregard a legislative act, commanding it to reject such testimony. Regarding the Convention as bound by the established rules of law, on the trial of this contest, I believed it not only to be my right as one of the judges, but my duty to myself, the memorialist and the precedent about to be set for my country, to give a vote directly contravening the resolution adopted on the 10th instant, which I regard as absolutely null and void.

"TERRY H. CAHAL."

On motion of Mr Huntsman, his resolution made on yesterday, on the subject of contested elections, was referred to the Committee of the whole.

Mr Fogg presented the following reasons, which influenced him to vote against the motion made on yesterday, by Mr Humphreys, to reject the testimony of Gerrard Billington in the contested election between Adam R. Alexander and Edward Ward, which he read in his place, and moved that the same be spread upon the Journal of the Convention; which motion prevailed, and which reasons are in the following words, to wit:

"For the reasons stated in the report of the Committee, which was entered on the journals of the third instant, my opinion is, that the testimony offered is legal and admissible, according to the rules of evidence, by virtue of the agreement of the parties, which agreement cannot be dissolved but by the consent of both. These rules of evidence are, as it appears to me, the same in a deliberative assembly when acting as judges of a contested election, as in a court of common law. I do not dispute the power of this Convention to alter the laws of evidence, by a general rule having a prospective operation, but I do not think that the resolution adopted on the 9th instant effects that alteration, and is therefore binding upon my judgment and conscience as the law of the land. It is an indication of the will and opinion of a majority of the members of the Convention, that, owing to the disagreement between the memorialist and the sitting member expressed on the floor of this House, they will adopt a rule that no other testimony will be received, 'except that of a purely legal character, any supposed agreement between the parties to the contrary notwithstanding.' This is an indication to the contending parties, as to the course to be pursued by the members of the Convention when acting in their judicial capacity, in order to inform the parties, that they might apply to the Convention, (if they thought proper,) for an order to take depositions or to compel the attendance of witnesses. Now the trial has commenced, the case and evidence is taken up before us, and we have to decide as judges upon the admissibility of testimony. The question is presented to us individually to express our opinions, and upon this vote, giving my opinion of the law as a judge and believing the testimony admissible, I shall so declare. The decision of the majority of this Convention now judicially to be pronounced will be binding upon me, and if they decide that the evidence is inadmissible, I shall acquiesce and of course vote to reject all evidence of a similar character. My situation hereafter will be like that of a minority of a court submitting to a decision of a majority of their brethren.

"My motive for wishing my reasons to appear on the journal is for the purpose of showing, that my vote or opinion is not given in obstinate opposition to a resolution expressing the will of a majority of this house, but because I believe that no resolution has been adopted which is obligatory upon me in giving a judicial opinion, which is now required. I believe my duty requires me to give my own judgment upon the law and rules of evidence.

"FRANCIS B. FOGG."

On motion of Mr KIMBROUGH, the Convention again resumed the consideration of the contested election between Adam R. Alexander and Edward Ward.

The certificate of Thomas M'Clellan was then read. Whereupon Mr. KIMBROUGH moved to reject said certificate, on the ground of its informal and illegal character; and the question being had, "will the Convention reject said testimony," it was determined in the affirmative.

Thereupon Col. Ward rose and informed the Convention, that he would withdraw his claims for a seat in this body.

On motion of Mr KINCAID, it was

Ordered, That Col. Ward have leave to withdraw the certificates presented by him to the Convention in said contested election.

Mr SCOTT presented the following reasons, which influenced him to vote for the reception of the certificate of Gerrard Billington, and against the motion made by Mr Humphreys on yesterday; and on his motion it was ordered to be spread upon the Journal of the Convention, and is in the following words, to wit:

"The undersigned, having voted for the reception of a certificate signed by Gerrard Billington, a citizen of Shelby county, as competent testimony in the contest for a seat in this Convention, states the following as a part of the reasons which influenced him in voting for the said certificate as competent evidence. That the memorialist Edward Ward, who made claim to the seat, having received a plurality of votes given in Shelby county, at the election for a member of the Convention, as he alleged in a memorial to this Convention, was *ipso facto* a party. And that the said Ed. Ward and Adam R. Alexander, the other party, who had the Sheriff's certificate of election and who was *prima facie* the member elect, entered into an agreement to dispense with the legal formalities. And the said Ward and Alexander, being the only parties, were competent to make an agreement for the more easy ascertainment of truth, and that they could make an agreement how it shall be ascertained whether the voter, alleged to have been an illegal voter was or was not qualified; but that they could not agree that a legal vote should be excluded, or that an illegal vote should be received; and from a fair construction of the agreement, I was inclined to believe that the certificate was made legal testimony; and that if it were admitted that the certificate was made by Billington; it is not necessary that the said statement should have been on oath, as I believe that it is a principle of law, that if a person who is presumed to be peculiarly cognizant of a fact, makes a statement of a fact against his own interest, such statement, if the facts were relevant to the issue, is evidence between third persons; for he thereby subjected himself to a legal liability, as he stated that he had voted without a qualification, and the agreement between the parties cannot but be an admission that such was his statement as the certificate sets forth. I believe that the Convention could not adopt a resolution so as to exclude said agreement from the consideration of the members of this Convention and hence voted for the admissibility of the certificate, as having been made legal by the agreement of the parties, according to the construction which had been given to said agreeement.

"JAMES SCOTT."

Mr **Huntsman** moved an adjournment until Monday morning, the the usual hour; and the question thereon being had "will the Convention adjourn," it was determined in the affirmative; ayes 31, noes 24.

The ayes and noes being demanded by Mr **Stephenson**,

The affirmative voters are,

Messrs President (Carter), Alexander, Burton, Blount, Childress, Cahal, Cobbs, Cheatham, Douglass, Fulton, Garrett, Gillespy, Hill, Huntsman, Humphreys, Hess, Kincaid, Kimbrough, Loving, M'Clellan, John A. M'Kinney, Montgomery, Marr, Porter, Purdy, Ridley, Scott, Ury, Whitson, Walton and Webster—31.

The negative voters are,

Messrs Allen, Bradshaw, Cannon, Cross, Fogg, Gray, Gordon, Hodges, Kelly, Kendall, Ledbetter, Robert J. M'Kinney, Mabry, M'Gaughey, Neal, Nelson, Roadman, Richardson, Robertson, Stephenson, Smith, Smartt, Sharp and Weakley—24.

And so the Convention adjourned until Monday morning at 8 o'clock.

MONDAY, JULY 14, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr KIMBROUGH of the Baptist Church.

Mr. HUNTSMAN submitted the following:

Resolved, That the Constitution be so amended, that the Legislature may pass laws disqualifying any person or persons from holding any office under the laws or Constitution of this State, who may fight a duel, send or accept a challenge to fight a duel, or who shall be the bearer of such challenge, or who may be aiders or abetters therein.

Mr M'GAUGHEY the following:

1st. *Resolved*, That the 12th section of the 5th article of the Constitution be so amended, as to read as follows:

There shall be justices of peace appointed for each county, not exceeding two for each captain's company, except for companies within the bounds of incorporated and county towns, which shall not exceed three, who shall be elected by the qualified voters within their respective companies in such manner as may be prescribed by law, to hold their offices for two years; but in the mean time, the removal of a justice of the peace out of the bounds of the company for which he shall have been elected, shall vacate his office.

2nd. *Resolved*, That there shall be elected, by the qualified voters of each county in the State, one sheriff, one trustee, and one register, who shall hold their respective offices for the term of two years, and shall be eligible to a re-election. There shall be elected, by the qualified voters of each captain's company in this State, one constable, and also one for each county town, who shall hold their office for the term of two years, and shall be eligible to a reelection.

On motion of Mr NELSON the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various amendments thereto proposed; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

[A resolution in relation to the payment of the public printers was adopted and here inserted; but on the next day was erased and another adopted in its stead.]

On motion of Mr STEPHENSON the Convention again resolved itself into Committee of the Whole, Mr. Cannon in the Chair, upon the existing Constitution and the various amendments thereto proposed; and after some time spent in the consideration thereof, the Committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

TUESDAY, JULY 15, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr HESS of the Cumberland Presbyterian church.

On motion of Mr HUNTSMAN, it was ordered that the resolution submitted by him on yesterday, be referred to the Committee of the Whole.

Mr KIMBROUGH submitted the following:

Resolved, That the resolution adopted on yesterday, on the motion of Mr Kimbrough, in relation to the payment of the public printers, be erased from the journals; and that, for the reasons therein stated and now before the Convention, the President and Secretary are hereby authorized to draw a warrant, not exceeding two thousand dollars in favor of Laughlin and Henderson, as public printers, payable sixty days after date, by the Treasurer of Middle Tennessee; who is hereby authorized to cash the same, taking the receipt of said printers, and deducting the interest on the same for said sixty days: and said warrant when so cashed and receipted, shall be a good voucher in the hands of said Treasurer in the settlement of his accounts.

On motion of Mr LEDBETTER, the rule requiring resolutions to lie one day on the table, was suspended, and said resolution adopted.

Mr LEDBETTER submitted the following:

Resolved, That there shall be appointed by the General Assembly, an auditor of public accounts for the State, who shall perform such duties as may be required of him by law, and shall hold his office for years.

Mr LEDBETTER moved a suspension of the rule, requiring resolutions to lie one day on the table, which motion prevailed; and, on his further motion, said resolution was referred to the Committee of the Whole.

On motion of Mr M'CLELLAN, it was

Ordered, That the resolutions of Mr M'GAUGHEY made on yesterday, on the subject of the election of county officers, be referred to the Committee of the Whole.

On motion of Mr GARRETT, it was

Ordered, That his resolutions of the 29th June, on the subject of incorporations, be referred to the Committee of the Whole.

On motion of Mr LEDBETTER, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the chair, on the existing Constitution and the various amendments thereto proposed; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr M'GAUGHEY submitted the following:

Resolved, That so much of the twentieth rule be rescinded, as prevents the previous question from being put in the Committee of the Whole.

And then the Convention adjourned.

WEDNESDAY, JULY 16, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr GARRETT of the Methodist Episcopal Church.

On motion of Mr WALTON, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the various amendments thereto proposed; and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr WEBSTER submitted the following:

Resolved, That the judges of the circuit court shall be elected for the term of eight years, and shall be classed in four classes by the legislature, so that one class shall go out of office at the end of two years, one at the end of four years, one at the end of six years, and one at the end of eight years; all of whom shall be re-eligible to office.

Mr WEBSTER moved a suspension of the rule requiring resolutions to lie one day one the table; which motion prevailed; whereupon,

Mr WEBSTER moved, that said resolution be referred to the Committee of the Whole; which motion also prevailed, and the reference accordingly was ordered.

Mr M'GAUGHEY moved that the Convention resolve itself into Committee of the Whole, for the further consideration of the existing Constitution, and the various amendments thereto proposed; which motion was rejected.

Mr GARRETT then moved to take up the report of the 9th inst., made by Mr John A. M'Kinney from the committee on the subject of emancipation, which motion prevailed.

Mr WEAKLEY moved that said report be read, but

On motion of Mr GARRETT, the Convention agreed to dispense with the reading of said report.

Mr WEBSTER asked to be excused from voting on the question of concurrence with said report, which leave was granted.

The question was then had "will the Convention concur in said report," and was determined in the affirmative; ayes 47, noes 9.

The ayes and noes being demanded by Mr STEPHENSON,

Those who voted in the affirmative are,

Messrs President (Carter), Allen, Armstrong, Alexander, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Ledbetter, Loving, M'Clellan, John A. M'Kinney, Montgomery, Marr, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White and Weakley—47.

Those who voted in the negative are,

Messrs Bradshaw, Gillespy, Kincaid, Kimbrough, Robert J. M'Kinney, Mabry, M'Gaughey, Neal and Stephenson—9.

And so said report was concurred in.

And then the Convention adjourned.

THURSDAY, JULY 17, 1834.

The Convention met according to adjournment and was opened with prayer, by the Rev. Mr **PITTS** of the Methodist Episcopal Church.

Mr **GARRETT** moved that General Edmund P. Gaines, of the United States Army, be invited to a seat within the bar of the Convention; which was accordingly done.

On motion of Mr **KIMBROUGH**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the chair, upon the existing Constitution and the various amendments thereto proposed; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

FRIDAY, JULY 18, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr **PITTS** of the Methodist Episcopal Church.

On motion of Mr **NELSON**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the chair, on the existing Constitution and the various amendments thereto proposed; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

On motion of Mr **ALEXANDER**, it was

Ordered, That General Samuel Houston, formerly Governor of this State, be invited to a seat within the bar of the Convention.

Mr **PURDY**, from the select committee to whom the subject of laying off the counties of this State into townships had been referred, submitted the following

REPORT.

The committee to whom was referred the following resolution, viz:

"*Resolved*, That a select committee be appointed to take into consideration the expediency of so amending the present Constitution, that the different counties in this State be laid off into districts or townships, so that there shall not be more than twelve districts in each county which shall be laid off according to law; and also, the expediency of so amending the twelfth section of the fifth article of the existing Constitution, that there shall be two justices of the peace elected for each township by the qualified voters in each, who shall be commissioned by the Governor, and shall hold their offices for the term of five years, whose jurisdiction and duties shall be regulated by law."

Beg leave to report, that they are of opinion that the civil divisions of counties as regulated by captain's companies are improper; the districts thereby established are frequently too small, inconvenient and unstable. Under the present arrangement they are subject to be divided, or the lines of such divisions or districts altered to suit the whim and caprice of the military officers in whose bounds such company may be situated, which power is not unfrequently exercised to subserve the worst of purposes, by laying off new companies or altering the lines of old ones; not that the public good requires it, but for the purpose of electing justices of the peace, so as to enable such officer and his friends to control the appointment of sheriffs and other county officers; the levying of taxes and the disbursement of public moneys, &c; by which abuse of power the interest and wish of a large majority of the people may be entirely disregarded, and there is nothing attained but the gratification of party spleen or private resentment.

How the custom of blending the civil and military divisions of our government originated, in effect making the former in some degree dependent on the latter, the committee are at a loss to know, and can only account for it from the situation in which our country was placed in its early settlement, when its preservation and welfare required that military districts should be established, before it was convenient to arrange the civil divisions. But fortunately for us, these times of peril have passed away; and the committee think it is now a fit time to organize our government, on different principles, more consonant with the true spirit of our republican institutions; that the military should be separate and in strict subordination to the civil power.

Therefore the committee are of opinion, that the civil departments ought to be established with care, having a strict regard to their convenience and permanency; not subject to change for trivial causes; and that the military has no connection with, and ought to be entirely separate from the civil divisions of our government.

With regard to the election and jurisdiction of justices of the peace, the committee agree to a considerable extent with Mr Jefferson, whose sentiments on this subject we take the liberty of quoting. He says: "Divide the counties into wards of such size as that every citizen can attend when called on and act in person; ascribe to them the government of their wards in all things relating to themselves exclusively; a justice chosen by themselves in each, a constable, a military company, a patrol, a school, the delivery within their own wards of their own votes, for all elective officers of higher sphere, will relieve the county administration of nearly all its business, will have it better done, and, by making every citizen an acting member of the government, and in the offices nearest and most interesting to him, will attach him by his strongest feelings to the independence of his country and its republican institutions." The justices chosen by the qualified voters in the several townships, the Legislature, if it is thought expedient, may organize into a court to do the judiciary business of the county, direct roads, levy taxes, and administer all matters of common interest. But the committee are of opinion that the county court as at present organized, is entirely defective. Whether a proper system of courts, to be held by magistrates, can ever be attained, the committee very much question. Responsibility in public officers is the greatest safeguard to our rights; and who will for one moment believe, that there is the least responsibility in a county court, consisting, as it frequently does, of from fifty to one hundred members; what one will ever hold himself accountable for its acts, when he had so small a share in controlling its proceedings? Yet the business transacted in this court is of the utmost importance: here the rights of the widow and the orphan has to be adjudicated; here the taxing power and the disbursing of our public money is placed. The committee think it unnecessary for them at present, further to point out the defects in the organization of so important a tribunal. Suffice it to say, that no institution should be established to transact public business without being made in some degree responsible for its acts. Yet the committee would not be understood as recommending a constitutional prohibition of a magistrate's court; on the contrary, they recommend that the Legislature shall be left entirely free to act on that subject as the necessity and interest of the country may require.

The committee think it will not be entirely irrelevant to the subject to suggest that an orphan's court and court of probate over which a judge elected by the people shall preside; let there be commissioners of roads and revenue established under such rules and regulations as the Legislature may prescribe, and made immediately responsible to the people for their acts; would at least relieve the county court of much of its business, and we do not hesitate to say that it will be better done. But the last remarks more properly belong to the action of a future Legislature, and we forbear to make further comment, by recommending the following amendments to the Constitution; to wit:

That the different counties in this State shall be laid off into townships or districts of convenient size, so that the whole number of districts in each county shall not be less than ten nor more than twenty, which shall be laid off as the Legislature may prescribe.

That the 12th section of the 5th article of the existing Constitution, be so amended that there shall be two justices of the peace elected, for each district, by the qualified voters thereof, who shall hold their office for the term of   years, whose jurisdiction and duties shall be regulated by law.

All of which is respectfully submitted.

JOHN PURDY, *Chairman.*

On motion of Mr Huntsman, it was

Ordered, That said report be referred to the Committee of the Whole.

And then the Convention adjourned.

SATURDAY, JULY 19, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr GARRETT of the Methodist Episcopal Church.

The morning business being through:

The Convention on motion of Mr JOHN A. M'KINNEY, again resolved itself into Committee of the Whole, Mr Cannon in the chair, on the existing Constitution and the various amendments thereto proposed; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And then the Convention adjourned.

MONDAY, JULY 21, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr HESS of the Cumberland Presbyterian Church.

Mr STEPHENSON presented, at the request of Mr Greene who is absent on account of indisposition, a memorial signed by two hundred and ninety-six citizens on the subject of emancipation; which was read and ordered to the table.

Mr ARMSTRONG submitted the following:

1st. *Resolved*, That all militia officers of this State shall be elected by those persons who are subject to military duty within their respective companies, battalions, regiments, brigades or divisions, as the case may be.

2nd. *Resolved*, That no militia or cavalry company shall consist of less than sixty nor more than ninety, rank and file, and that no regiment shall consist of a less number than four hundred and eighty, including officers and soldiers, except in counties that may not include that number subject to military duty, in which case a smaller number shall compose a regiment.

3rd. *Resolved*, That company and field officers of the cavalry shall be elected by the troops under their respective commands; and when any new county is laid off and established, the field officers of the said cavalry may appoint company officers therein, *pro tem.* who shall serve until the company is filled up and completed, at which time the election of such company officers shall take place according to law.

Mr PURDY, the following:

Resolved. That the militia in this State shall be regul[illegible] manner as the Legislature shall from time to time direct.

Mr BLOUNT, the following:

Resolved, That the Legislature be authorised to make provision [illegible] law to prevent free negroes and mulattoes from coming to and settling in this State, under any pretext whatsoever; and as far as practicable, also, to prevent their coming to this State, except on known business of a laudable and interesting kind, which, when done in reasonable time to transact such business, to depart from the State, under a penalty for disobedience to the mandate of the law.

And Mr Robertson, the following:

Resolved, That there shall be only one major to each regiment of militia in this State.

And the rule requiring resolutions to lie on the table one day being suspended, the said resolutions were severally read and ordered to be referred to the Committee of the Whole.

Mr President (Carter) thereupon submitted the following:

Whereas it is important to the best interests of the People of Tennessee, that an ordinance of this Convention shall exist, appointing the mode of hereafter amending the Constitution of the State in such parts thereof as may be considered defective, without touching and endangering the whole instrument. It is therefore declared that the General Assembly, whenever two thirds of each House shall deem it necessary, may propose amendments to this Constitution; which proposed amendments shall be duly published in print, at least three months before the next general election of representatives, for the consideration of the People, and it shall be the duty of the several returning officers, at the next general election which shall be held for representatives, to open a poll for, and make a return to the Secretary of State for the time being, of the names of all those voting for representatives, who have voted on such proposed amendments; and if thereupon it shall appear that a majority of all the citizens of this State, voting for representatives, have voted in favor of such proposed amendments, and two-thirds of each House of the next General Assembly shall, after such an election and before another, ratify the same amendments by ayes and noes, they shall be valid to all intents and purposes, as parts of this Constitution. *Provided*, that the said proposed amendments shall, at each of the said sessions, have been read three times, on three several days, in each House. And it is further declared, that should the new Constitution be rejected by the voters of this State, that this ordinance shall be and remain in force, and be considered and attached as an amendment to the old and retained Constitution, by means of which, amendments may be made to that instrument, without the intervention or call of another Convention.

On motion of Mr Carter, the foregoing ordinance was ordered to the table for the present.

On motion of Mr Neal, the resolution heretofore submitted by him, declaring it inexpedient for the Legislature of this State to charter any bank, without making the individual property of the stockholders liable for the redemption of the notes issued by such bank, was taken [illegible] and referred to the Committee of the Whole.

[illegible] Sharp's resolution of the 19th June, making it the duty of the county courts to assess the toll upon all bridges established by the Legislature, was, on his motion referred to the commiftee on local legislation.

The Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, upon the existing Constitution and the several amendments proposed thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr **Stephenson** submitted the following, which was read and ordered to be entered upon the journals; to wit:

The undersigned, in discharge of a duty they owe not only to themselves but to their country, its liberties and the cause of humanity, take leave in the spirit of candor, to state some of their reasons for voting against the adoption of the second report of the committee to whom was referred the memorial on the subject of slavery: and here we would remark, that the extraordinary action of the Convention, and still more extraordinary and labored report of the committee, to us had the appearance of an attempt in some degree to affect the standing of some members of this Convention; as an artful advocate will sometimes attempt to dissipate the force and effect of testimony by discrediting the testifier: but although this might to us, appear to be its object, yet we cannot, even for one moment, attribute to this Convention the most remote intention of effecting such a purpose, notwithstanding it may seem to wear such an aspect; nevertheless, in view of this matter and its progress, together with the little importance of the object proposed to be attained and its ultimate result, inclines us in the language of the poet to say, it resembled "ocean into tempest wrought to waft a feather or to drown a fly." How far the facts stated in the report accord with the statements and assumptions made in the protest, we deem it unnecessary to say much, but would however ask the unprejudiced reader inquiring after truth, to take up the protest, keeping in mind that it was hastily written by plain men, making no pretensions to erudition or criticism; in the absence of the memorials gaining all the information in relation thereto merely from hearing them read at the clerk's table; and then take up, and contrast with that, the able, ingenious and labored report of the committee, made up of the most able and talented counsellors of the bar, composed and penned, with all the caution and circumspection of a special pleader, with the evident design of answering and demolishing the facts and arguments presented in the protest, with the advantage for weeks of all the papers and documents relating to this matter. If then, under these circumstances, the reader is not surprised to find the protest so well sustained by the facts developed in the supplemental report, we are free to confess their conclusions are very different from ours. It is however, proper, specifically to notice some of the exceptions taken in the report to the language of the protest, and which is held up to the world as examples of our disregard of truth, one of which is t[illegible] memorials were from almost every part of the State. Although [illegible] undersigned do not pretend to arrogate to themselves perfection in any thing they do, but, with the immortal Washington, confess that to "err is human," and that in this instance they might perhaps have used more appropriate language; yet we believe the language is just about such as almost every other person would be likely to use under similar circumstances. We therefore ask the candid reader to look at the facts reported, and then say do these words in the protest contain an unjustifiable or even an unusual hyperbole; nay, will they not see in the report a manifestation of that spirit that would "make a man an offender for a word." Another exception taken, is, that a large portion of the memorialists were slaveholders. This matter both in the protest and second report is to some extent conjectural. The undersigned however, believe the protest well sustained by the statement of facts in the report, but of this let others judge. Another exception is with regard to the language used in the protest, respecting the plans proposed by the memorials. Here let the protest speak its own language; to wit: "In our opinion the committee have mistaken the object of the memorialists, when they say that their plans cannot be carried into effect, when in fact they do not so far pretend to dictate to the Convention as to propose a plan, except that some of them say something about the time, and hint at colonization." The undersigned believe that even a casuist would decide that the facts developed in the report demonstrably confirm this language. The undersigned would here take leave to say, that notwithstanding the high authority of the report, they yet entertain the opinion that the inference drawn in the protest, of the improbability of a general removal of slaves, is fairly deducible from the premises laid down, and will so remain after amending it in accordance with the report by inserting "one hundred and five instead of a "large portion." Suppose some of the memorialists do hint at something visionary; is that a reason why, (if a thing in itself is right,) it should not be done at all? Surely we do not thus generally reason and act, with respect to other matters. The undersigned believe that the founder of the christian religion and the writers of the holy scriptures need no aid from them in repelling the charge, that they gave countenance to slavery in its worst form; or in other words, did not denounce it. Yet permit us fearlessly to say that the precepts and maxims of the gospel, when carried into full operation and practice, will banish slavery from the face of the earth.

The Committee have brought to notice that truly great and good man, the apostle Paul, and have written nearly as much about him, as his epistle to Philemon, in order to prove his example and counsel was in favor of slavery. Such an unnatural effort to press into service, is, as we believe, indicative of a cause hard to defend. As this epistle to Philemon would just as soon prove any thing else as slavery—hear Paul's own words to Philemon, respecting his servant Onesimus; after telling him he might receive him forever, he adds "not now as a servant, but above a servant, a brother beloved." We would then, respectfully ask in the spirit of soberness, was this given to Philemon as a christian, a right to receive and treat Onesimus worse than the most abject slave amongst us, and even to cut his throat if it accorded with his whim, and thus to set at defiance the declared law of the eternal

God? Permit us to say, that we strongly incline to the opinion, that Philemon did not so understand Paul. Although the undersigned do not, any more than the Committee, understand the precepts of the gospel as authorizing a man to take his neighbor by the throat and compel him by physical force to obey them; yet they do understand these precepts to make it the duty of every human being, both by example and precept in a prudent manner, to oppose and discountenance vice in every shape and form: and so we find Eli was blamed for not restraining his sons although they were officiating priests at the altar; and this accords with the example of that supereminent man, Paul of Tarsus. He himself informs us, that he himself withstood Peter to the face, because he was to be blamed. Follow this great man to Athens. It is written, his spirit was stirred in him when he saw the city wholly given to idolatry, and it is even said that he disputed with some of the people, and when he was brought before the court of Areopagus, he stood boldly in the midst of Mar's Hill, although charged with crimes similar to those for which the unoffending Socrates was doomed to drink the fatal hemlock; and said, "ye men of Athens, I perceive that in all things you are two superstitious:" Again, behold this great man standing in chains before Felix, the Roman governor, reasoning of righteousness, temperance and judgment to come, until Felix trembled. Whether he brought to notice in vivid and glowing colors, the vices of the times, and amongst others, the crimes of oppression and tyranny, the sacred historian has not detailed; be that as it may, Felix had not the hardihood to say, even to his prisoner in chains, "Paul, practice these precepts yourself, but you have no right to take me by the throat and enjoin them on me. Therefore, Mr Paul, look to yourself, and let me alone." No, this strength of nerve seems to have been reserved for more modern times. To say, (as is virtually said in the report) that those persons who have ventured in their memorials or otherwise to say any thing about a limitation of the time for the existence of slavery in this State, or to propose colonization, were either not in their sober senses or had not taken time to reflect, is a declaration we think, in its character rather too sweeping and illiberal. In order to show the disingenuous manner in which the report has noticed the proceedings of the Convention, we will contrast the report with the journal. The report says: "the member from Washington moved to have them (the memorials) referred to a select committee of thirteen (one from each Congressional District) with instructions to that committee to devise a plan of emancipation in conformity with the prayer of the memorialists." Hear the journal of May 30th, 1834. "Mr Stephenson submitted the following: *Resolved*, That a committee of thirteen (one from each Congressional district) be appointed to take into consideration the propriety of designating some period from which slavery shall not be tolerated in this State; and that all memorials on that subject that have been or may be presented to the Convention, be referred to this committee to consider and report thereon." Now, is there in this resolution one word about devising a plan of emancipation, or to conform to the prayer of the memorialists, or any thing like instructions?

It is said in the suplimental report, that the signers of the protest do not show that the principles assumed in the report are subversive of the principles of republicanism; but only assert them to be so. Whether it is or is not shown in the protest, we are free to leave to the judgment of others; and will pass on to show, that, in our opinion, some of the language used in the supplemental report, also tends to the subversion of the principles of republicanism; for example, in the report we read the following; to wit: "To the memorialists who represent themselves as non slaveholders, they (the committee) might have said, you need not knock at the door of the Convention, asking its aid in a matter in which you are so little interested. If slavery is an evil, you are not oppressed wlth it," &c. Clearly assuming the right of saying to the people, because you do not belong to a certain class, you have no right to complain of any evil or meddle in matters which, we judge, do not affect you, therefore leave that business to those whom it may concern, and do not assume rights that belongs to others, thus denying *even to the freemen* of the State, the right of complaining or asking relief from the operation of evils they believe to exist, and in which we aver they have a deep and vital interest. And is it so, that such language is to be found in the report of a committee of a body representing the sovereignty of the State of Tennessee; that for the people to seek redress from real or imaginary evils by respectful memorials, in such a degree of impertinence as to merit from the committee a *modest rebuke*. Has not this a little squinting towards gagging? Tell it not in London, publish it not in the streets of Madrid, lest the monster Tyranny draw his arid muscles into a malicious smile.

But although the undersigned, in defence of their country's rights; feel it their duty thus to raise their testimony against such principles, they would nevertheless say, in the spirit of that charity that "hopeth all things," that they trust and believe that this language has been inadvertantly used and without duly reflecting on its consequences, which have been overlooked under the influence of a heated zeal, to support as we believe, a bad cause. Self-respect, respect for this Convention and the people we have the honor to represent, forbid the undersigned to imitate the harsh and uncourteous language the committee have thought proper to use in part of their report; the cause we advocate needs no such aid. We would, however, remark, if such inuendoes and insinuations as "*proud Pharasee*," "*noisy denunciations*," &c., were intended for the protestors or the protest, they do not fit: we, therefore, hand them back, to be used as occasion may require; for ourselves, we have reason to lament our want of sanctity, nor do we claim the right of censorship so as to impugn the conduct or motives of our fellow-men: yet we do claim, and hope we will be permitted to exercise the right and privilege of giving a reason for our belief, and to plead for and defend the rights of man: this we desire to do fearlessly, yet in the spirit of meekness. Believing that we, with all mankind, are bound at all times and in all places "to do justice, to love mercy, and to walk humbly before God."

MATTHEW STEPHENSON,
RICHARD BRADSHAW,
JOHN M'GAUGHEY.

On motion of Mr **Roadman**, the Convention again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the several amendments thereto proposed; and after some time spent in consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And thereupon the Convention adjourned.

Tuesday, July 22, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. **Hess** of the Cumberland Presbyterian Church.

The morning business being through, the Convention, on motion of Mr **Senter**, again resolved itself into Committee of the Whole, Mr Cannon in the Chair, on the existing Constitution and the several amendments proposed thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr. **M'Gaughey** submitted the following resolutions:

1st *Resolved*, That a committee of members be appointed, to whom shall be referred so much of the report of the Committee of the Whole as relates to the legislative branch of the Constitution; for the purpose of embodying and putting the same in proper form.

2nd. *Resolved*, That a committee of be appointed, to take into consideration so much of the report of the Committee of the Whole as relates to the Executive branch of the Constitution; for the purpose of embodying and putting the same in proper form.

3rd. *Resolved*, That a committee of be appointed, to whom shall be referred so much of the report of the Committee of the Whole, as relates to the Judicial branch of the Constitution; for the purpose of embodying and putting the same into proper form.

4th. *Resolved*, That a committee of be appointed, to whom shall be referred so much of the report of the Committee of the Whole, as relates to all other subjects embraced in the report; for the purpose of embodying and putting the same in proper form; which committee shall report to the Convention as soon as practicable.

And thereupon the Convention adjourned.

Wednesday, July 23, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr **Hess** of the Cumberland Presbyterian Church.

The morning business being through, Mr **Blount** submitted the following preamble and resolutions:

Whereas, the geographical position of Tennessee, in reference to the other States of the Union, she being *central*, and whereby she is every where, separated at a great distance from the national frontier; a situation affording a peculiarly favorable position for usefulness; a position which gives her population and her citizen-soldiers the enviable characteristic of *disposable force*—with the glorious *privilege of being permitted*, in a state of war, to fly to the succour of whatever part of the national frontier may become the theatre of war, and to co-operate in the national defence with whatever sister State or Territory may be assailed by an invading foe—thereby demonstrating to the world the hitherto doubtful political problem, that freemen know how to appreciate equally the kindred privileges and duties of "*self government* and *self* (or national) *defence*"—privileges and duties equally essential to the efficient maintenance of our republican institutions, and our national independence; privileges and duties, in the vigorous exercise and discharge of which, we may contribute to prove to a hitherto doubting, and a future admiring world, that the freest and happiest of republics may be, in war, the most powerful and invulnerable of nations. And whereas, steam power, applicable to ships and other vessels of war, as well as to every species of military carriage or vehicle of transportation that moves on land, cannot but tend to produce a revolution in military operations and military science, whereby nations will in future be attacked with the aid of steam, and consequently with a celerity of movement which must subject the assailed nation to inevitable destruction, unless she also employs steam power, and in her measures is, in all *vital* and *vulnerable points*, prepared to oppose to the enemy's rapid approach, disposable *force* and *supplies* thrown, with increased rapidity, from the central States and districts to the maritime and inland frontier—and whereas, for these objects it is essential to the purposes of the national defence, that the States, in their separate and sovereign capacity, should co-operate with each other in carrying into effect a principle consecrated by the wisdom of Washington, and embraced in the parental admonition found in the rich legacy which he has left us, "*in peace, prepare for war;*"—and whereas, a system of rail-roads, extending through this State, and from thence to such parts of the national frontier as our sister States may deem proper, would not only provide mainly for the national defence, by enabling us to send, in the space of four days time, any part of our disposable force, and abundant supplies, to any part of the maritime frontier, between the Chesapeake Bay and the river Sabine; but, by these rail-roads, we should contribute to relieve the agriculture and commerce of our State of a large portion of their expense of transportation—give to every citizen of the State, our invaluable, beloved and patriotic State, the advantage of a choice of the best and all desirable markets, at a trifling expense, for whatever redundant produce his ingenuity, enterprize, means, or industry may enable him to furnish for market; and moreover, afford to the State, whenever disposed to take an interest in these improvements, a clear revenue sufficient to fill her treasury and support her civil list, as well as to provide extensively for the education of her youth; and all these, without taxes on her people—therefore,

Resolved, That State and county internal improvement shall forever be encouraged by the government of this State; and that it shall be the duty of the legislature, as soon as may be, and from time to time, to make provision, by law, for ascertaining the most proper objects of improvement, in relation both to roads and our navigable waters, pointing out the particular description of either, most practicable to be effected at the most reasonable expense; and that it shall also be their duty to provide by law, for a systematic and economical application of any funds, at any time appropriated to these objects; all to be under a due course of accountability, at fixed and short periods; and to these ends, that the same be placed under the superintendence and direction of a board of public works, the commissioners of which shall, from time to time, be appointed by the legislature; the president of which shall, from time to time, at fixed periods, report the amount application and other particulars of and relative to said funds and proceedings of the board, to the legislature; who shall order publications thereof to be made and distributed for the information of the people, at the close of each stated session of the legislature, together with a statement of the situation and progress of each description of such improvements; to be filed and recorded in the office of the Secretary of State, subject to the call and inspection of the legislature, either branch thereof, and to that of the governor, for the information of the legislative and executive departments of the government.

And be it further resolved, That the legislature shall have power and authority to grant charters of incorporation to such companies as may form themselves into associations for the purpose of undertaking and carrying on internal improvement, either on land or by water, in any part of the State, with their own capital in hand, or such as they obtain by opening books of subscription, for the purpose of raising or increasing their capital; and that the legislature be authorized to provide, that the State may, at its discretion, subscribe for some definite number of shares with said company or companies; and that said companies, as to the application of funds, be subject to such regulations as shall, from time to time, be prescribed by law; and that full and regular reports of the proceedings of such company or companies, shall, at stated periods, be made to the legislature of this State, to be filed and recorded in the Secretary of State's office, for the inspection of the legislative and executive departments of the government; and that they be published, from time to time, for the information of the people of the State at large; and that all due accountability of such company or companies be enjoined by law, at stated periods to be performed. and in such manner as shall be prescribed by law.

On motion of Mr **Alexander**,

Ordered, That a select committee of seven be appointed, and that the foregoing preamble and resolutions be referred to the said committee.

The President appointed Messrs Blount, Alexander, John A. M'Kinney, Allen, Roadman, Huntsman and Loving the said committee.

Mr **Kincannon** submitted the following:

Whereas, it is admitted on all hands, that some efficient and permanent system of general education ought *speedily* to be established in this State: and whereas, the freemen of Tennessee do object upon principle to the payment of a poll tax for the current expenses of the government: and whereas it is believed that the most legitimate application of all taxes laid on the persons of freemen is to the improvement or enlightening our species: Therefore

Resolved, That a tax of not less than fifty cents shall annually be levied on, and collected from every qualified voter within the State, between the age of twenty-one and fifty years:—And that such tax, when collected, shall be applied to the purposes of general education, under such rules and regulations as the legislature shall from time to time establish and direct.

Mr **Weakley** presented the account of John Austin, for cleaning and repairing done on Representatives Hall for the reception of the Convention, and also the account of Robert I. Moore, for carpeting furnished for Convention Hall; which were severally read and referred to the committee on accounts and expenditures.

On motion of Mr **Ledbetter**, the Convention again resolved itself into Committee of the Whole, Mr Cobbs in the chair, on the existing Constitution and the various amendments thereto proposed; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr **Hess**'s resolution made on the 6th June, providing that the General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owner or owners, &c.—And

Mr **Sharp**'s resolution made on the 10th of June, providing for the location of the seat of Government permanently, at some point on the Tennessee river and for other purposes, were taken up, severally read and referred to the Committee of the Whole.

On motion of Mr **Cobbs**,

Ordered, That Messrs Cahal, Ledbetter, Hill, Purdy, Webster and Kimbrough, to be added to the committee raised by Mr Blount's resolution of this day.

The Convention again resolved itself into Committee of the Whole, Mr Cobbs in the chair, on the existing Constitution and the various amendments proposed thereto; and after some time spent in theconderation thereof, the committee rose, reported progress, asked and obtained leave to sit again.

And thereupon the Convention adjourned.

THURSDAY, JULY 24, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr **SENTER** of the Methodist Episcopal Church.

Mr **WEBSTER**, from the committee on new counties and county boundaries, to whom were referred sundry memorials and petitions on that subject, reported that the committee have had the same under consideration, and after a full and fair examination and investigation of each memorial respectively; the committee had instructed him to report, that in the opinion of the committee, the memorials from the counties of Carter, Sullivan, Rhea, Bedford, Humphreys, Dyer and Tipton are reasonable and ought to be granted, and each of the above named counties should be made exceptions to the general provisions, adopted by the Convention upon the subject of new counties, with this *proviso*, "That no new county line shall be run or established nearer to the seat of Justice of Bedford county, than ten and one half miles: and further, the committee recommend that the general provision or the principle adopted by the Convention, which provides that no new counties shall be formed of less content than four hundred square miles, be amended so that new counties shall be formed of content of three hundred and fifty square miles, and shall contain one thousand voters:" and to ask that the committee be discharged from the further consideration of the said memorials.

On motion of Mr **WEBSTER**, the foregoing report was ordered to the table.

On motion of Mr **HESS**, the resolutions heretofore submitted by Mr Blount, on the subject of emancipation, were taken up, severally read, and referred to the Committee of the Whole.

The Convention again resolved itself into Committee of the Whole, Mr Cannon in the chair, on the existing Constitution and the several amendments proposed thereto; and after some time spent in the consideration thereof, the committee rose, reported progress, asked and obtained leave to sit again.

Mr **HUNTSMAN** submitted the following:

Resolved, That the boundary lines of this State be referred to a committee, to enquire into its present boundaries, as settled either by the Constitution, or by Convention with other States, adjoining this State, and that they report thereon to this Convention.

And the rule being suspended, Mr Huntsman, after the foregoing had undergone some discussion, asked and obtained leave to withdraw it.

Mr **HUMPHREYS**, from the committee on local and private Legislation, made the following

REPORT.

The committee on Private and Local Legislation, recommend the following additions to the Constitution:

1st. The legislature shall have no power to grant divorces, but may authorize the courts of justice to grant them by such laws as may be just and proper: *Provided*, That such laws be general and uniform in their operation throughout the State.

2nd. The legislature shall have no power to authorize lotteries for any purpose; but shall pass laws to prohibit the sale of lottery tickets in the State.

3rd. The legislature shall fix the rate of interest, and the rate so established shall be equal and uniform throughout the State, so that every person and corporation may be allowed the same. But this provision shall not affect existing corporations.

DIVORCES.

The committee state that a divorce is a dissolution of a marriage contract between persons. A marriage is founded on consent, and is ripened into a binding contract by the public vows of the parties. This contract is deemed, in all civilized countries, to be one of so much importance to the well being and prosperity of society, as to require the special notice of the laws. It is required in this State, to be attested by an officer of justice, or a minister of the gospel, and a record is made of the transaction. The solemnities of the law are thus superadded to the private contract, in order to give publicity and permanency to it. The best interest of the parties, of their offspring and of society, will be consulted by making this delicate tie expire only by the death of one of the contracting parties. The experience of every country, the acts of which are worthy of any consideration, attest this truth. The States generally, have proceeded, through their Legislatures, to specify by general laws, applicable alike to every person, the cases in which the bonds of matrimony may be dissolved, and the parties released from the obligations arising from it. These cases are few in number, and authorised only by acts grossly inconsistent with the marriage vows. The Legislature of Tennessee passed an act in 181 , authorizing certain courts of justice to grant divorces to all persons who brought themselves within the provisions of the general law, which enumerated and specified the causes of divorces. Notwithstanding this provision, affording redress to all persons at home, where all the circumstances are fully known, in a cheap, expeditious and just way ; the Legislature is constantly filled with applications for divorces.

These divorces of necessity come within two classes: 1st, those not authorised by the general laws of the land; and 2ndly, those which are authorized by them. Those which are authorized by the general law, are brought into the Legislature in order to save time and cost. The cases which cannot be brought within the general law, are submitted to the Legislature from a combination of motives, to wit: to save cost, time and to get the privilege of a divorce for causes more slight and trivial than such as are embraced within the general law, or for causes new and unthought of. The committee believe this is all wrong, and is not sanctioned by the best interests of the State. This power should not be exercised in any case whatever; but should be delegated to the magistrates of the several counties assembled in county court, or should be vested in the circuit courts. The legislature can make provision for every possible case that may arise. If particular cases of hardship do arise, they will be but seldom if ever without a a remedy. But what general law or provision is there, that does not sometimes operate severely. The Constitution should be organized with an eye to the great and general interests which must, and will be promoted by this provision.

First as to Costs. The committee beg leave to state, that in selecting a tribunal to settle controversies, dissolve contracts and the like, when the merits of two for the attainment of justice are equal, that should be preferred which is cheapest. Divorces have been heretofore tried in the circuit courts, generally without a jury. The salary of the judge is stated, and is not increased or diminished by any increase or diminution of business. The result has been, that no costs accrue but fees of counsel, clerk and sheriff. If the parties can bring themselves within the provision of the laws for the benefit of poor persons, no costs whatever can arise. In any event, the costs will not be greater than in any other private suit and cannot possibly be oppressive. What is the result of a reference of such questions to the legislature? This body is to be increased to some seventy or eighty men; their established pay is $ 4 *per diem;* add the costs of clerks, door-keepers and stationery for both houses, to the *per diem* allowance of members, and the whole will constitute a most expensive court for the trial of disputes.

The Secretary of State informs the committee, that it is not usual, so far as his information extends, for private bills of this sort, to consume as much time as bills of a more general character; but the committee are of opinion, that cases must of necessity occur, which will require a week or more to dispose of them. The committee are led to this conclusion, from a knowledge of the fact, that there is nothing more calculated to excite personal interest and curiosity, and protracted debate, than the facts which would sometimes be called forth on occasions of this sort. The committee leave out of view the bad feelings which these struggles about female rights engender, and the withdrawal of the minds of the members from the more important business of the State.

The committee further suggest, that it is a most extraordinary spectacle of extravagance and folly, in an enlightened country, to find the council of State, consisting of some sixty or eighty men, convened for the purpose of superintending the great interests of State, examining testimony and listening to protracted discussions about private rights and private licentiousness, at the daily cost of some three or four hundred dollars.

Another item of costs may not perhaps be unworthy of consideration, to wit: the publication of these proceedings on the separate journals of each house, and on the printed acts that are scattered over the State. It is impossible without doing mischief, to stifle any of the acts of the legislature. The committee are of opinion, that the people should have exact information of all the proceedings of that body. The only check upon their vicious acts and doings, is the publication of them. The cost of publication then, must be an additional burthen upon the people. The committee state, that it is most ruinous policy that the whole community should pay for the vices of a few individuals; and that it should never be done, unless to stop positive oppression.

The committee state, that the courts of justice are much more likely to learn the truth and do justice between the parties.

In any view in which it can be conceived, the act of dissolving the bonds of matrimony is the dissolution of a contract. Whether it comes within the spirit of that clause in the Bill of Rights, which forbids the legislature from impairing the obligation of a contract, it is not now necessary to determine, but certainly is an act which must operate upon the destination of the estate which they may jointly or singly possess. It is a trial of personal rights, of pecuniary rights. The legislature is converted into a judicial tribual for the settlement of private controversies. This is a violation of one of the well settled principles in our government, which directs, that the powers of the goveanment, legislative, executive and judicial should be vested in different bodies of magistracy. The numbers and qualifications of those different bodies of men, are so wholly different as to render it most absurd and improper, that the duties of the one should be discharged by the other. It matters not whether the case presented to the legislature, be within the provisions of the existing laws or not, that body must act upon the evidence of facts. How are these facts to be made known? If the facts are to be tried before the courts of justice in the county where the parties reside, their characters are there made known; the facts are made known through the medium of sworn witnesses, and the decree can be temporary or limited, or conditional, as justice may require. The division of the estate, the support of the parties and their offspring, can all be deliberately attended to. How different is the case when the parties are brought before the legislature. The legislature must of necessity know nothing about the characters, or the circumstances of the parties, or the facts upon which the application is grounded. Even the member from the district is frequently as much in the dark as to the true state of the facts, as others. He hears one side. How is it possible to do justice in such a delicate matter, so full of feeling and important interests?

The committee believe that so much divorcing by the Legislature would not take place, were it not for the peculiar manner in which such subjects of legislation are frequently *managed* through the Houses. A number of applicants are brought forward, and they are all connected one with another, and with other private and local matters. Thus they get the support of a majority. If each stood or fell upon its separate merits, the whole would fall to the ground. This fact is attested by the information afforded by the Secretary, of the large number of divorces granted in a few acts. The committee believe that this sort of legislation is corrupting in its character, and interferes most unjustly with the passage of general laws.

The Committee state, that the tendency of legislative divorces is to increase the facilities of obtaining them. The act is arbitrary, and founded upon no rule or given law. It depends upon the rank and respectability of the parties, or the sympathy which can be got up for them. Thus one man would be divorced upon a general state of facts, whilst another would be refused the privilege on the same facts. This is a species of favoritism which should not be indulged in.

If this power is totally forbidden, it will cut off all hopes of separation but for known causes. It will put an end to much cost, much injustice, and much licentiousness.

The committee conclude by expressing a desire that the clause be adopted.

LOTTERIES.

The committee recommend the adoption of the second clause, deeming it of the most vital importance to the country. The committee state that the Legislature of this State have declared Lotteries illegal, and that they shall not be permitted unless in such cases as may be authorized by special acts. The supreme court of this State in the case of (see Yerger's Reports,) have declared that Lotteries came within the spirit and meaning of the laws passed against gambling. They declare the sale of lottery tickets to be gambling of the worst sort; and descant at large upon its injurious effects upon the morals of the community.

What is the end of the whole scheme but from a spirit of favoritism to some individual, to enable him to realise money upon the risks and losses of the community. All acts authorizing Lotteries are then, according to the decision of the supreme court, and according to truth, nothing short of legalizing gambling. In fact, it is nothing short of giving an individual the right to establish a faro bank for his private benefit.

The committe are well aware, that this privilege is only extended in the general to some individual of supposed merit, for whom the public compassion is extended, or for the establishment of some bridge, academy, or other purposes, supposed to be greatly advantageous to the community.

These acts are justified upon the grounds that bad means are proper to be used to obtain good and laudible ends.

If a Lottery office is a gambling establishment in its objects and results: if it seduces men away from the steady gain of honest industry, in pursuit of the captivating idea of a vast prize: if it ends in the sudden elevation of a few, by the destruction of thousands, fortune and morals; if such be the results when pursued to excess (and the committee are of opinion that such is the fact) then this licensed gambling should meet with the execration of every citizen.

The committee are aware that it may be said, that the Legislature have never authorized Lotteries to a very extravagant extent. Yet it is nevertheless true, that that body is constantly in the habit of exercising their power in this respect. The committee are of opinion that it is a power which they should not have; and that a prohibition to that effect should become a part of our fundamental law.

No matter how laudable the designs of a special Lottery may be, the direct loss to the community, as well as the incidental demoralizaiton, will always balance the good that may be anticipated.

The granting of one Lottery is a precedent for another. If a special favor is extended to one, it may be claimed with equal justice by a second and a third. The spirit is thus got up, and the whole State is filled with lottery tickets.

This feeling sometimes seizes the community and it is carried to the most extravagant lengths.

Before the passage of the first act by the Parliament of Great Britain, in 1788, to restrain lotteries, there were five hundred lottery offices about the city of London alone. This act prohibited them under the penalty of fifty pounds sterling. This however did not put a stop to them. By 43d George 3d, lotteries were declared nuisances, and the venders of the tickets rogues and vagabonds, and they were subject to a penalty of five hundred pounds.

This in a great measure put an end to private Lotteries, yet strange to tell, after the passage of this severe law, the Parliament authorized the granting of Lotteries for special purposes. They were constantly authorized by the Ministry for the purpose of raising supplies for the support of the expenses of government. Its bad effects upon the pecuniary affairs of individuals, and the morals of the kingdom became visible and alarming. The matter long engaged the serious attention of Parliament. The House of Commons in 1808, appointed a committee to investigate it, which ended in a report to the House, which declares that the "foundation of Lotteries is so radically vicious, that under no system will it be possible for Parliament to adopt it as an efficacious source of revenue, and at the same time divest it of the evils of which it has produced such a fruitful crop." It has been completely forbidden in Great Britain.

The rage for lotteries grew very violent in New York at one period. The mischief was apparent to all. It was terminated by a clause in the amended constitution of that State in 1821, which prohibited the Legislature from the exercise of the power of authorizing them at all.

The committee beg leave to bring to the attention of the Convention, an extract of a letter addressed to Messrs Foster and Fogg of Nashville, on the subject of lotteries, by Mr Thos. Earps of Philadelphia, which has been politely handed to the committee. He states:

"Lottery gambling, in this State, has, until lately been carried to an enormous extent, and the evils of it become so alarming, that a number of our most respectable citizens felt it their duty to interfere, and put a stop to it if possible. They finally succeeded in having an act passed by our Legislature for the abolition of lotteries in this State, which went into operation on the first of January last.

To give you some idea of the extent that this species of gambling was carried in this city, I need only say, that it was ascertained that we had at one time upwards of one hundred and seventy offices open within its limits, for the sale of lottery tickets; in addition to which there was a vast number of pedlars, who made it a business to offer tickets for sale at public and private houses, stores and market places." To prevent the occurrence of all such evils in this State, the committee recommend the adoption of the above provision.

RATE OF INTEREST.

The committee on this branch of the subject referred to them, beg leave to recommend the provision at the head of this report.

The propriety of this clause must be apparent to all. There is nothing by which the best interests of the community may be so soon, and so severely, and so imperceptibly destroyed, as by the mode of regulating the interest on money loaned. The committee believe its great importance deserves a notice in the fundamental laws. This clause requires that the Legislature *shall* fix a rate. This is to prevent the matter from being open to contract, whereby the necessitous may be devoured by the more astute. It requires that this rate, though subject to legislative discretion as to the amount, should be equal and uniform throughout the State, whether in regard to individuals or corporations.

The committee believe that the rate of interest is too important a matter to be suspended for the benefit of any individual or corporation. The absurdity of it is so glaring, that if prayed for by an individual, it would meet with the most unqualified disapprobation. The committee are of opinion that it is manifestly unjust when granted to corporations. Higher rates of interest than are allowed to individuals are some times granted to banking corporations under cover of the public good. The community suffers in the end. Banking is a personal right, until restrained by acts of legislation. The community is prohibited at large and the privilege is granted to a few. This is a piece of favoritism, an exclusive privilege, a *monopoly.*

How far such a course of policy is justified by the public good, it is not now necessary for this committee to determine. But the committee declare, that when a set of stockholders of some corporation are allowed, in addition to their other exclusive privileges, to charge and receive a greater rate of interest than the residue of the community, it is establishing an inequality neither justified by republican institutions nor sanctioned by the interest of the State.

The idea abroad is, that banks must exist to furnish a circulating medium, and that they could not be sustained unless by unusual rates allowed. This is not true in point of fact. Concentrated capital, under the management of an organized institution, having peculiar privileges, can sustain itself by that rate which is fixed as just and right in the land. How is it possible for individuals to loan at a rate which will sink a bank?

The committee believe that this proposition is characterised by the true spirit of our institutions, justice and equality. It places every citizen on the same footing.

On the subject of local and private legislation generally, and other matters referred to them, the committee state, that they have made some progress, and will make a further report in a few days.

All of which is respectfully submitted:

W. H. HUMPHREYS, *Chairman*.

The Convention again resolved itself into Committee of the Whole, Mr. CANNON in the Chair, on the existing Constitution, and the various amendments thereto proposed, and after some time spent in the consideration thereof, the Committee rose, reported progress, asked, and obtained leave to sit again.

The Convention again resolved itself into Committee of the Whole, Mr. CANNON in the Chair, on the existing Constitution, and the various amendments thereto proposed, and after some time spent in the consideration thereof. the committee rose; and the Chairman reported, that the committee had carefully examined and passed upon all matters and things to them submitted, and had instructed him to ask to be discharged from their further consideration.

Mr. LEDBETTER submitted the following:

Resolved, That copies of the Report of the Committee of the Whole, showing the several amendments that are recommended to be made to the existing Constitution, be printed for the use of the Convention.

Mr BLOUNT submitted the following:

Resolved, That the Chairman of the Committee of the Whole, for the able and impartial manner in which he has presided, is entitled to the approbation and thanks of this Convention.

And the rule being suspended, the said resolution was adopted *nemine contradicente*.

Whereupon Mr. CANNON made his acknowledgments in the following words, and said

"He hoped the members of the Convention would permit him to express to them his most cordial congratulations, on the accomplishment of the most important, and he trusted, most laborious part of their duties —the examination and amendment of the Constitution, in the Committee of the Whole, by articles and sections, in the manner contemplated by the resolution, under which they had been acting—and also to say in reply to the very flattering sentiments, which had just been expressed by the gentleman from Montgomery, and received with such unanimity, in regard to the course he had pursued, while endeavoring to discharge the various, and at the same time complicated duties, which devolved on him while in the Chair, and in the discharge of which he entertained himself no doubt, but that he had fallen into many errors; yet throughout the whole progress of their deliberations, on the many different subjects, however difficult, doubtful or perplexing, but in relation to which it became his duty to act, the kindest indulgence and liberality had been uniformly extended to him, and the most constant and unanimous support of the committee afforded, in return for which he begged permission to tender to each member of the Convention his sincere thanks."

And then the Convention adjourned.

FRIDAY, July 25, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. KIMBROUGH of the Baptist Church.

Mr CANNON presented the memorial of sundry citizens of Bedford and Williamson counties, on the subject of new counties, which was read and ordered to the table.

On motion of Mr. LOVING, it was ordered that Mr. Porter have leave of absence for a few days.

On motion of Mr. WEBSTER, it was

Ordered, That the Committee on new counties and county boundaries, be discharged from the further consideration of the several memorials and petitions to them referred on that subject.

MR. CANNON, Chairman of the Committee of the Whole House, submitted the following

REPORT:

That the Committee of the Whole, to whom had been referred the existing Constitution of the State, for examination in detail by Articles and Sections, in obedience to a resolution of the Convention adopted on the 25th of May, had gone through the same in the manner prescribed by the said resolution, and recommend to the Convention the adoption of the annexed amended CONSTITUTION, the same being the retained parts, and amendments made to the present Constitution, drawn up in the form in which the Committee recommend the adoption of the same, to wit:

DECLARATION OF RIGHTS.

SECTION 1. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of those ends, they have, at all times, an unalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.

Sec. 2. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish and destructive to the good and happiness of mankind.

Sec. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can, of right, be compelled to attend, erect or support any place of worship, or to maintain any Minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or modes of worship.

Sec. 4. That no religious test shall ever be required as a qualification to any office or public trust under this State.

Sec. 5. That elections shall be free and equal.

Sec. 6. That the right of trial by jury shall remain inviolate.

Sec. 7. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

Sec. 8. That no free man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land.

Sec. 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county or district in which the crime shall have been committed; and shall not be compelled to give evidence against himself.

Sec. 10. That no person shall, for the same offence, be twice put in jeopardy of life or limb.

Sec. 11. That laws made for the punishment of facts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no *ex post facto* law shall be made.

Sec. 12. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives, shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

Sec. 13. That no person arrested or confined in jail, shall be treated with unnecessary rigor.

Sec. 14. That no freeman shall be put to answer any criminal charge but by presentment, indictment or impeachment.

SEC. 15. That all prisoners shall be bailable by sufficient sureties unless for capital offences when the proof is evident or the presumption great. And the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

SEC. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 17. That all courts shall be open; and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the State in such manner, and in such courts, as the Legislature may by law direct.

SEC. 18. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

SEC. 19. That the printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or of any branch or Officer of Government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the Court, as in other cases.

SEC. 20. That no retrospective law, or law impairing the obligation of contracts, shall be made.

SEC. 21. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

SEC. 22. That the citizens have a right, in a peaceable manner, to assemble together, for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by address or remonstrance.

SEC. 23. That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

SEC. 24. That the sure and certain defence of a free people, is a well regulated militia: and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided, as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

SEC. 25. That no citizen of this State, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to corporeal punishment under the martial law.

SEC. 26. That the free white men of this State have a right to keep and to bear arms for their common defence.

SEC. 27. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

SEC. 28. That no citizen of this State shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

SEC. 29. That an equal participation of the free navigation of the Mississippi, is one of the inherent rights of the citizens of this State: it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever.

SEC. 30. That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this State.

SEC. 31. That the limits and boundaries of this State be ascertained, it is declared they are as hereafter mentioned, that is to say: Beginning on the extreme height of the Stone mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north; running thence along the extreme height of the said mountain to the place where Watauga river breaks through it; thence a direct course to the top of the Yellow mountain, where Bright's road crosses the same; thence along the ridge of said mountain between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron mountain; from thence along the extreme height of said mountain, to the place where Nolichucky river runs through the same; thence to the top of the Bald mountain; thence along the extreme height of said mountain, to the Painted Rock, on French Broad river; thence along the highest ridge of said mountain, to the place where it is called the Great Iron or Smoky mountain; thence along the extreme height of said mountain, to the place where it is called Unicoi or Unaka mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this State, as described in the act of cession of North Carolina to the United States of America: and that all the territory, lands and waters lying west of the said line, as before mentioned, and contained within the chartered limits of the State of North Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty and the right of soil, so far as is consistent with the constitution of the United States, recognizing the articles of confederation, the bill of rights, and constitution of North Carolina, the cession act of the said State, and the ordinance of the late Congress for the government of the territory north west of the Ohio: *provided*, nothing herein contained shall extend to affect the claim or claims of individuals, to any part of the soil which is recognized to them by the aforesaid cession act: *and provided also*, that the limits and jurisdiction of this State shall extend to any other land and territory now acquired, or that may hereafter be acquired by compact or agreement with other States or otherwise, although such land and territory are not included within the boundaries herein before designated.

ARTICLE I.

SECTION 1. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the people.

SEC. 2. That the number of Representatives shall at the several periods of making an enumeration, be apportioned among the several counties or districts according to the number of qualified voters in each, and shall not exceed seventy-five, until the population of the State shall be one million, and never thereafter more than ; provided that any one of the small counties, having two thirds of the ratio, shall be entitled to one member.

SEC. 3. That the number of Senators shall, at the several periods of making the enumeration, be apportioned among the several counties, or districts, according to the number of qualified electors in each, and shall not exceed one-third the number of Representatives. In apportioning the Senators among the different counties, in the State the fraction that may be lost by any county in the apportionment of Members to the House of Representatives, shall be made up to such county in the Senate, as near as may be practicable.

SEC. 4. That the first election for Senators and Representatives, under this Constitution, shall take place on the first Thursday in August, 1835, and the General Assembly shall sit on the first Monday in October thereafter.

SEC. 5. The second session of the General Assembly shall sit on the first Monday in October, one thousand eight hundred and thirty-eight; and once in two years forever thereafter on said first Monday in October.

SEC. 6. The general elections shall take place on the 1st Thursday in August, preceding the sitting of the General Assembly—and shall terminate the same day.

SEC. 7. No person shall be eligible to a seat in the House of Representatives of the General Assembly, unless he shall be a citizen of the United States, and unless he should have been an inhabitant of the State for three years, and shall have resided in the county he represents, one year immediately preceding the election, and shall have attained the age of twenty-one years.

SEC. 8. No person shall be eligible to a seat in the Senate of the General Assembly, unless he shall be a citizen of the United States, and have resided three years in this State, and one year in the county or district immediately preceding the election, and have attained to the age of thirty years. No person who shall be elected to either House of the General Assembly, shall be eligible to any appointment to be made by the Legislature, or Executive, for the term of time for which he shall have been elected.

SEC. 9. The Senate and House of Representatives, when assembled, shall each choose a Speaker and its other officers, be judges of the qualifications and election of its members, and sit upon its own adjournments from day to day. Two thirds of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members.

Sec. 10. Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two thirds, expel a member, but not a second time for the same offence; and shall have all other powers necessary for the Legislature of a free State.

Sec. 11. Senators and Representatives shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and, for any speech or debate in either House, they shall not be questioned in any other place.

Sec. 12. Each House may punish by imprisonment, during its session, any person not a Member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behaviour in their presence.

Sec. 13. When vacancies happen in either House, the Governor for the time being, shall issue writs of election to fill such vacancies.

Sec. 14. Neither House shall, during their session, adjourn without consent of the other for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sec. 15. Bills may originate in either house, but may be amended, altered, or rejected, by the other.

Sec. 16. Each house shall mature its own bills before transmission to the other, and shall be read once on three different days, in each House, and be signed by the respective Speakers, before it becomes a law.

Sec. 17. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

Sec. 18. The style of the laws of this State shall be, *Be it enacted by the General Assembly of the State of Tennessee.*

Sec. 19. Each House shall keep a journal of its proceedings, and publish them, except such parts as the welfare of the State may require to be kept secret; and the yeas and nays of the members on any question shall, at the request of any two of them, be entered on the journals.

Sec. 20. The doors of each House and Committees of the Whole, shall be kept open, unless when the business shall be such as ought to be kept secret.

Sec. 21. The members of the first Legislature that shall sit under this Constitution, shall receive as a compensation for their services the sum of dollars per day, and dollars for every thirty miles traveling to and from the Seat of Government. The first Legislature shall fix the pay of the succeeding Legislature, and no Legislature shall fix their own pay: but the same shall be fixed by the preceding Legislature.

SEC. 22. No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

SEC. 23. No person, who heretofore hath been, or may hereafter be, a collector or holder of public moneys, shall have a seat in either House of the General Assembly, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable or liable.

SEC. 24. No Judge of any court of law or equity, Secretary of State, Attorney General, Register, Clerk of any court of record, or person holding any office under the authority of the United States, shall have a seat in the General Assembly; nor shall any person in this State hold more than one lucrative office at one and the same time: *Provided*, that no appointment in the militia, or to the office of Justice of the Peace, shall be considered a lucrative office.

SEC. 25. No member of the General Assembly shall be eligible to any office or place of trust during the time for which he was elected, except the office of a Justice of the Peace, or trustee of any literary institution, where the power of appointment to such office or place of trust is vested in their own body.

SEC. 26. Any member of either House of the General Assembly shall have liberty to dissent from, and protest against, any act or resolve which he may think injurious to the public or any individual, and have the reasons of his dissent entered on the journals.

SEC. 27. All lands held by deed, grant, or entry, slaves, bank stock, and such other property as the Legislature may from time to time deem expedient, shall be taxable. All property to be taxed according to its value; that value to be ascertained in such manner as the Legislature shall direct; so that the same shall be equal and uniform throughout the State: Provided that no one species of property off of which a tax may be collected, shall be taxed higher than any other species of property of equal value.

SEC. 28. No article manufactured of the produce of this State, shall be taxed otherwise than to pay inspection fees.

ARTICLE II.

SECTION 1. The Supreme Executive power of this State, shall be vested in a Governor.

SEC. 2. The Governor shall be chosen by the electors of the members of the General Assembly, at the times and places where they shall respectively vote for the members thereof. The returns for every election for Governor shall be sealed up, and transmitted to the seat of government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each House of the General Assembly. The person having the highest number of votes, shall be Governor; but if two or more shall be equal, and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly. Contested elections for Governor shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

SEC. 3. He shall be at least thirty years of age; he shall be a citizen of the United States, and shall have been a citizen of this State seven years next before his election, unless he shall have been absent on the public business of the United States or of this State.

SEC. 4. The first Governor shall be elected at the general elections on the first Thursday in August, 1835: And shall hold his office for three years, and until another Governor shall be elected and qualified to office. And forever thereafter, the Governor shall hold his office for two years, and until another Governor shall be elected and qualified; but shall not be eligible more than six years in any term of eight.

SEC. 5. He shall be Commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

SEC. 6. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

Sc. 7. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

SEC. 8. He may require information in writing, from the officers in the Executive Department, upon any subject relating to the duties of their respective offices.

SEC. 9. He may, on extraordinary occasions, convene the General Assembly, by proclamation; and shall state to them, when assembled, the purposes for which they shall have been convened; but when so convened, they shall enter on no legislative business, except that for which the Legislature were specially called together, by the Governor.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. He shall, from time to time, give to the General Assembly, information of the state of the government, and recommend to their consideration such measures as he shall judge expedient.

SEC. 12. In case of his death, resignation, or removal from office, the Speaker of the Senate shall exercise the office of Governor, and in case of his death, removal or resignation, then the Speaker of the House of Representatives.

SEC. 13. No member of Congress, or person holding any office under the United States or this State, shall execute the office of Governor.

SEC. 14. When any officer, the right of whose appointment, is by this constitution vested in the General Assembly, shall, during the recess, die, or his office by other means become vacant, the Governor shall have the power to fill up such vacancy by granting a temporary commission, which shall expire at the end of the next session of the Legislature.

SEC. 15. There shall be a Seal of this State, which shall be kept by the Governor and used by him officially, and shall be called the Great Seal of the State of Tennessee.

Sec. 16. All grants and commissions shall be in the name and by the authority of the State of Tennessee, be sealed with the State Seal, and signed by the Governor.

Sec. 17. A Secretary of this State shall be appointed and commissioned during the term of four years: he shall keep a fair register of all the official acts and proceedings of the Governor; and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the General Assembly: and shall perform such other duties as shall be enjoined by law.

ARTICLE III.

Section 1. Every free man of the age of twenty-one years and upwards, being a citizen of the United States, and an inhabitant of the county of this State wherein he may offer his vote, six months immediately preceding the day of election, shall be entitled to vote for governor, members to congress, and shall be entitled to vote for members of the General Assembly and other civil officers, for the county in which he may reside.

Laws may be passed excluding from the right of suffrage persons who may be convicted of infamous crimes.

Sec. 2. Electors shall in all cases, except treason, felony, or a breach of the peace, be privileged from arrest or summons during their attendance at elections, and in going to and returning from them.

Sec. 3. All elections shall be *viva voce*.

ARTICLE IV.

Sec. 1. The House of Representatives shall have the sole power of impeachment.

Sec. 2. The sole power of impeachment of such officers as are hereinafter declared to be impeachable, shall be in the House of Representatives.

To constitute a court for the trial of impeachments, the Senate shall appoint three men of law talents and good character, who shall assemble in the county, circuit, or district where the crimes for which the party stands impeached is alleged to have been committed, and at such time and place as the Legislature shall direct or appoint; and said three persons shall constitute a court, and shall be vested with all the power and jurisdiction appertaining to a common law court: and a jury shall be selected from the county, circuit, or district, or from the adjoining counties, in such manner as the Legislature shall prescribe; and when said court shall be organized and said jury shall be empannelled, the party impeached shall be tried according to the laws of the land; provided nevertheless, the mode of trial by impeachment shall not be resorted to, unless in the opinion of the House of Representatives, the party shall have committed such crime as ought to operate as a total disqualification to ever holding any other appointment under he laws of this State.

Sec. 3, The Governor, Judges of the supreme court, Judges of the circuit court, Chancellors, Attorneys General, and Secretary of State, shall be liable to impeachment, and shall be tried by said court, whenever they may, in the opinion of the House of Representatives, commit any crime in their official capacity, which may require disqualification, but said judgment shall only extend to removal from office, and disqualification to accept of office thereafter. The party shall nevertheless be liable to indictment, trial, and judgment according to law.

Sec. 5. All other civil officers of the State, not hereinafter mentioned, for misdemeanors in office, shall be liable to indictment in such court or courts, as the Legislature may direct, and upon conviction, shall be removed from office by said court, in the same way, as if found guilty on impeachment.

ARTICLE V.

Section 1. The judicial power of this State, shall be vested in a supreme court, which shall be composed of three judges, one of whom shall be elected from, and reside in each of the grand divisions of the State, and shall have appellate jurisdiction only, except such jurisdiction, other than appellate, as said court has now by law, and the concurrence of two of said judges, shall, in every case, be necessary to a decision, and such inferior courts, as the legislature shall from time to time, ordain and establish.

Sec. 2. The General Assembly shall, by joint vote of both houses, appoint judges of the several courts of law and equity.

Judges of the supreme court shall be thirty-five years of age.

Judges may be removed from office by a concurrent vote of both houses of the General Assembly, each house voting separately; but two-thirds of all the members elected to both houses must concur in such vote; the vote shall be determined by ayes and noes, and the names of the members voting for or against the judge shall be entered on the journals of each house, respectively.

Judges of the supreme court shall be elected for the term of twelve years, and be re-eligible; but the first Legislature shall class them into three classes, and so provide that they shall go out of office alternately; so that the first class shall go out of office at the end of four years; the second class at the end of eight years; and the third class at the end of twelve years.

The judges of such inferior courts as the Legislature may establish, shall be elected for the term of eight years, and to be eligible, shall be thirty years of age.

The Legislature shall elect attorneys for the State, who shall hold their respective offices for the term of six years, and shall be re-eligible.

That in all cases where an attorney general for any district fails or refuses to attend and prosecute according to law, then and in that case, the court shall have power to appoint an attorney general *pro tem.*, for such absence or refusal for any term.

That an attorney general shall be appointed by joint vote of both houses of the General Assembly, whose duty it shall be to attend the supreme courts, and conduct all causes on the part of the State, and shall report the decisions of the supreme courts, for which he shall receive such compensation as the legislature may allow, and shall hold his office for the term of six years, and be re-eligible.

SEC. 3. The judges of the supreme and inferior courts shall at stated times receive a compensation for their services to be ascertained by law, which shall not be increased or diminished during the time for which they shall have been elected, but shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under this State or the United States.

SEC. 4. The judges of the circuit courts or such courts as the Legislature may establish in their stead, shall have general jurisdiction in all cases civil and criminal, and also be conservators of the peace throughout the State.

SEC. 5. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law.

SEC. 6. The judges of the circuit courts or such courts as the Legislature may establish in their stead, shall have power in all civil cases to issue writs of *certiorari* to remove any cause or transcript thereof from any inferior jurisdiction into said court or courts to be established, on sufficient cause supported by oath or affirmation. And the Legislature shall regulate the granting of appeals in such manner as justice may require.

SEC. 7. The judges or justices of the inferior courts of law shall have power, in all civil cases, to issue writs of *certiorari*, to remove any cause, or a transcript thereof, from any inferior jurisdiction, into their court, on sufficient cause supported by oath or affirmation.

SEC. 8. No judge of the supreme or inferior courts, shall preside on the trial of any cause where the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or of which he may have been of counsel, or in which he may have presided in any inferior court, except by consent of all the parties.

In case all or any of the judges of the supreme court shall be interested in the event of any cause, or related to all or either of the parties, the court shall certify such case or cases to the governor of the State, and he shall forthwith specially commission the requisite number of men of law knowledge, to try and determine such cases as the courts may be disqualified to try and determine.

SEC. 9. All writs and other process shall run, in the name of the State of Tennessee, and bear test and be signed by the respective clerks. Indictments shall conclude, *against the peace and dignity of the State.*

SEC. 10. Judges of the supreme court shall appoint their clerks, who shall hold their offices for the period of six years.

Chancellors (if any such court be established) shall appoint their clerks, who shall hold their offices for the period of six years.

Clerks of such inferior courts as may be hereafter established, which shall be required to be holden in the respective counties of this State, shall be elected by the qualified voters thereof, and shall hold their offices for the term of four years and be re-eligible, and shall be removed from office for malfeasance or neglect, in such manner as may be prescribed by law.

SEC. 11. No fine shall be laid on any citizen of this State that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be over fifty dollars.

SEC. 12. The different counties in this State shall be laid off as the General Assembly may direct, into districts of convenient size, so that the whole number in each county shall not be less than ten nor more than twenty-five, or four for every one hundred square miles. There shall be two justices of the peace and one constable elected for each district by the qualified voters therein, except districts including county towns, which shall elect two constables. The justices of the peace shall be elected for the term of six and the constables for the term of two years. And upon the removal of either of said officers from the district for which he was elected, his office shall become vacant from the date of such removal.

ARTICLE VI.

SEC. 1. There shall be one sheriff elected in each county, by the qualified voters therein, for the term of two years: *Provided*, that no person shall be eligible to the office of sheriff more than four years in any term of six years: *And provided also*, that said officer shall be removed for malfeasance or neglect in office, in such manner as may be prescribed by law.

There shall be elected in each county, by the qualified voters therein, one trustee and one register—the trustee for two and the register for four years, and both re-eligible.

There shall be elected for each county, by the justices of the peace therein, one coroner and one ranger, to hold their offices for two years, and be re-eligible.

SEC. 2. There shall be a treasurer or treasurers appointed for the State, who shall hold his or their offices for two years.

SEC. 3. The election of all other officers not otherwise directed by this Constitution, shall be made in such manner as the Legislature shall direct.

ARTICLE VII.

Section 1. All militia officers shall be elected by persons subject to military duty, within the bounds of their several companies, batallions, regiments, brigades, and divisions, under such rules and regulations as the Legislature may, from time to time, establish and direct.

Sec. 2. The governor shall appoint the adjutant general; the majors general shall appoint their aids; the brigadiers general shall appoint their brigade majors; and the commanding officers of regiments their adjutants and quarter masters.

Sec. 3. Company and field officers of the cavalry shall be elected by the troops under their respective commands: *Provided*, that whenever any new county is laid off, the field officers of the said cavalry shall appoint the captain and other officers therein, *pro tem.*, until the company is filled up and completed; at which time the election of the captain and subalterns shall take place as aforesaid.

Sec. 4. The Legislature shall pass laws, exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, from attending private and general musters.

ARTICLE VIII.

Section 1. Whereas ministers of the gospel are by their profession dedicated to God, and the care of souls, and ought not to be diverted from the great duties of their functions; therefore no minister of the Gospel, or priest of any denomination whatever, shall be eligible to a seat in either house of the Legislature.

Sec. 2. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

Sec. 3. Any person being a citizen of this State, or a resident therein, who shall, after the adoption of this constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send or accept a challenge for that purpose, or be an aider and abettor in fighting a duel, shall be deprived of all the rights and privileges of citizenship in this State.

ARTICLE IX.

Section 1. That every person who shall be chosen or appointed to any office of trust or profit under this constitution, or any law made in pursuance thereof, shall, before entering on the duties thereof, take an oath to support the Constitution of this State and of the United States, an oath of office, and also the following: "I (A B) do solemnly swear, (or affirm) that I have not either directly or indirectly, given, promised or bestowed any gift or reward in meat, drink, money, or otherwise, to be elected to the office, upon the discharge of the duties of which, I am now about to enter."

Sec. 2. That each member of the Senate and House of Representatives, shall before they proceed to business take an oath or affirmation, to support the Constitution of this State, and also the following oath: "I ——— do solemnly swear, (or affirm) that as a member of this General Assembly, I will in all appointments, vote without favor, affection, partiality, or prejudice; and that I will not propose or assent to any bill, vote, or resolution, which shall appear to me injurious to the people, or consent to any act, or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State.

Sec. 3 Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct.

And any person who shall directly or indirectly, give, promise or bestow, any such reward, to be elected, shall thereby be rendered incapable for six years, to serve in the office for which he was elected, and be subject to such further punishment as the Legislature shall direct.

Sec. 4. New counties may be established by the Legislature to consist of no less than four hundred square miles; and such new county not to approach the court house of an old county or counties nearer than twelve and one-half miles, or reduce the size of such older county or counties to less than six hundred and twenty-five square miles, except in such special cases, (if any) as may hereinafter be provided for by this Constitution.

No part of an old county or counties shall be taken off to form part of a new one, without the consent of a majority of the qualified voters of such part of the old county or counties.

ARTICLE X.

Section I. All laws and ordinances now in force and use in this State, not inconsistent with this Constitution, shall continue in force and use in this State, until they shall expire, be altered or repealed by the Legislature.

Sec. 2. Any amendment or amendments to this Constitution, may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen; and shall be published for six months previous to the time of making such choice. And if in the General Assembly next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner and at such time as the General Assembly shall prescribe. And if the people shall approve and [illegible] such amendment or amendments by a majority of all the citizens of the State, voting for representatives, voting in their favor, such amendment or amendments shall become part of this Constitution.

When any amendment or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions, no other shall be proposed by a subsequent Legislature until the first have been finally disposed of by ratification or rejection: *provided*, that the said proposed amendment or amendments shall at each of the said sessions have been read three times on three several days in each House: *and, provided further*, that the Legislature shall not propose to the people amendments to the Constitution, oftener than once in six years.

Sec. 3. The Declaration of Rights hereto prefixed, is declared to be a part of the Constitution of this State, and shall never be violated on any pretence whatever. And to guard against transgression of the high powers we have delegated, we declare that every thing in the Bill of Rights contained, is excepted out of the general powers of government, and shall forever remain inviolate.

SCHEDULE.

Section 1. That no inconvenience may arise from a change of the Constitution, it is declared, that all laws now in force and use in this State, all officers of every denomination, whether civil or military, and all the functions appertaining to any of the officers in any of the departments of the government, whether civil or military, shall be exercised and performed according to the existing laws and Constitution, until the end of the first session of the General Assembly, which shall sit under this Constitution, and their successors elected and qualified; and until the government can be re-organized and put into operation under this Constitution, in such manner as the first General Assembly aforesaid shall prescribe.

Sec. 2. Until a land office shall be opened, so as to enable the citizens south and west of the Congressional reservation line, to obtain titles upon their claims of occupancy, those who hold lands by virtue of such claims, shall be eligible to serve in all capacities, where a freehold is by the laws of the State, made a requisite qualification.

And the committee ask [illegible] discharged from the further consideration of the subjects ref[illegible] to them for examination.

All which is respectfully submitted:

NEWTON CANNON, *Chairman.*

On motion of [illegible],

Ordered, That [illegible] and twenty copies of the foregoing Report be printed for [illegible] the Convention.

Mr. Huntsman submitted the following, in lieu of the resolution heretofore submitted by him, (to wit:)

Resolved, That the Legislature shall so provide that the election of such county and other officers, as shall be given to the people by this Constitution, shall not take place at the same time that the general elections are held for members of Congress, members of the Legislature, and for Governor.

Mr. Fulton moved to strike out the word "shall," for the purpose of inserting the word "may," so as to leave it discretionary with the Legislature; which motion was rejected.

The resolution was thereupon adopted without amendment.

Mr Huntsman also submitted the following:

Resolved, That all contested elections which may arise under the new Constitution (either for seats in the Legislature or for other offices) shall be tried and determined in the county or district where said contests may arise; by such courts of law or equity as the Legislature shall provide.

And the rule requiring resolutions to lie one day on the table, being suspended on motion of Mr. Huntsman, the said resolution was adopted.

Mr. Nelson submitted the following:

Whereas, it is important that this Convention should bring its labors to a close as soon as possible, consistently with a proper regard to the safe and correct discharge of its duty; therefore,

Resolved, That so soon as the basis of Representation is finally settled, a Committee consisting of one from each Senatorial district, be appointed for the purpose of laying off the Senatorial and Representative districts in this State, and that said Committee report to this Convention.

And the rule being suspended, said resolution was adopted.

Mr. Huntsman submitted the following:

Resolved, That the Constitution be so amended, that all the funds which have been heretofore appropriated, and all that may be hereafter appropriated, to the purposes of Education, shall not be diverted by the Legislature to any other purpose whatever.

Mr. Weakley submitted the following:

Resolved, That a Comptroller of Public Accounts shall be biennially appointed by the General Assembly, who shall settle and adjust all public accounts and demands, except grants and orders of the General Assembly. He shall prescribe the mode of keeping and rendering all public accounts; he shall be *ex officio* one of the Auditors of the accounts of the Treasurer resident at the Seat of Government, and of other district Treasurers of the State. The General Assembly may assign to him other duties in relation to his office, and to that of the Treasurer, and shall prescribe the manner in which his duties shall be performed; and a statement of all receipts, payments, funds, State and county taxes and debts of the State, shall be published, from time to time, in such manner and at such periods as shall be prescribed by law, and particularly at each stated session of the General Assembly.

In lieu of which Mr. Leebetter called up and offered the following resolution, heretofore submitted by him, to wit:

Resolved, That there shall be appointed by the General Assembly, an Auditor of Public Accounts for the State, who shall perform such duties as may be required of him by law, and shall hold his office for years.

Which was accepted in lieu of Mr. Weakley's, and adopted.

Mr. John A. M'Kinney submitted the following:

Resolved, That the Secretary of State shall be *ex officio* the Comptroller or Auditor of Public Accounts, and it shall be his duty to settle all public accounts relating to the revenue of the State, and to make a report to the Governor of the State at the end of each year, and to the Legislature at each stated Session; which report shall be laid before the community by immediate publication.

And also the following:

Resolved, That it is expedient that the Legislature should have a regular session once in three years only.

Mr. Blount submitted the following resolutions.

1st. *Resolved*, That within five years after the adoption of this Constitution, the body of our laws, civil and criminal, shall be revised, digested and arranged, under proper heads, and promulgated in such manner as the General Assembly may direct; and that a like revision, digest, and promulgation of our laws, shall be made within every subsequent period of fifteen years.

2d. *Resolved*, That no act of the General Assembly or joint vote, or resolve of that body, except the vote for the adjournment of the Legislature, *sine die*, shall be in force until it shall have been published in print and distributed as the law directs, unless in cases of emergency, which emergency shall be expressed therein.

3d. *Resolved*, That the Legislature shall regulate by law, the cases in which deductions shall be made from the salaries of public officers, for neglect of duty in their official capacity, and fix the rate of deduction to be made.

4th. *Resolved*, That the returns of all general elections by the people, and particularly those for Governor, and for members of the Legislature, shall be made to the Secretary of State, who shall file the same in his office for the inspection of the Legislature, in case of contested elections.

5th. *Resolved*, That the Legislature be authorized and required to provide by law for the election by the county courts of the several counties in this State, of one competent accountant, whose sole and exclusive business shall be to take cognizance of the accounts of executors, administrators, guardians and trustees of the estates of deceased persons of the county, to settle all such accounts with them, and make due settlements of such accounts, and report the same to the county court in due time for final adjustment and allowance of them by said court. And that said commissioner be appointed for two years, act under an oath of office, to discharge the duties thereof faithfully; and that he be allowed such fees as may be allowed by law, to be paid by said executors, administrators, guardians or trustees of such estates; and that his said reports be examined by the county courts, be filed and recorded by the county court clerk, in a well bound book to be kept for that purpose.

And the rule being suspended, said resolutions were severally read and rejected.

Mr. BLOUNT also submitted the following:

Resolved, That no Lottery shall hereafter be permitted in this State, and the Legislature shall pass laws to prevent the sale of all or any lottery tickets, and also to prevent all or any such species of swindling or gambling in this State; except lotteries and tickets already provided for by law.

Which was read, and on motion of Mr. LEDBETTER, ordered to the table.

The Report made on yesterday by Mr. HUMPHREYS from the Committee of private and local Legislation, was on motion of Mr. Ledbetter taken up, read and concurred with.

Mr. SMITH submitted the following:

"Whereas this Convention was called at a season of the year unusual for assembling of a deliberative body in this State, and the weather being now oppressively warm, it is deemed dangerous and unsafe for this Convention to sit for the transaction of business, especially as the cholera is making advances daily towards us, and we know not nor can we even conjecture what day or hour we may be exposed to the ravages of that fatal disease, even should we escape the ordinary diseases of the climate at this season of the year; and whereas, also, some of the members are now indisposed, and daily becoming more and more enfeebled, and one has not been able to attend to the duties of his station for several weeks and others have sick families at home; and whereas, we have now gone through the Constitution in committee of the whole; have given that instrument a patient, attentive, and laborious investigation, and have agreed upon the most essential changes which it is designed to effect in that instrument, so as thereby to afford an opportunity to our fellow-citizens to judge of our labors; and deeming it, as we do, of vastly more importance to the people of Tennessee, that we should present them a good Constitution at a future day, than one greatly defective, as must necessarily be the case under existing circumstances; and whereas also an adjournment will not be productive of any increased expense to the State, as we could progress much faster with our business at a more healthy season of the year; Therefore,

Resolved, That this Convention will adjourn to meet on the day of next, for the purpose of finishing our labors at a season of the year when it is presumed that the unfavorable circumstances with which we are now surrounded will not exist.

On motion of Mr. KINCANNON, the resolution heretofore submitted by him, providing "that no Legislature hereafter to convene shall have power to grant any charter conferring any banking privileges, unless the whole capital stock of the same shall be taken and owned exclusively and entirely by the State,"

Was taken up and read; and was rejected.

Mr. **Garrett** moved to take up and consider the resolution submitted by him on the 29th of June, providing that the Legislature shall not have power to charter banks, and for other purposes; which motion prevailing, the said resolution was thereupon taken up and read.

Mr. **Smith** moved a division, so as to test the sense of the Convention on each proposition separately; which prevailing, the first provision in said resolution was read.

Mr **Kincaid** moved to amend by providing that the property of individual stockholders should be bound for the redemption of the notes of the Bank to the amount of their stock, only; which motion prevailed.

The first branch was then read as follows, to wit:

"That the General Assembly shall have no power to pass any law chartering any bank, company or corporation, with authority to issue bills or notes, or contract debts in their corporate or company capacity, without making each stockholder liable in his individual property to the full amount of the stock which may be owned by him in the said bank."

And thereupon the question was had, "will the Convention adopt the said first branch?" and determined in the negative; ayes 21, noes 22

The ayes and noes being demanded,

The affirmative voters are,

Messrs. President (Carter,) Armstrong, Bradshaw, Cannon, Cheatham, Garrett, Hodges, Hill, Kincannon, Kincaid, Kendall, McClellan, McGaughey, Neil, Richardson, Robertson, Stephenson, Senter, Smartt, Sharp, and Webster—21.

Those who voted in the negative are,

Messrs. Alexander, Blount, Childress, Cahal, Cobbs, Cross, Fulton, Fogg, Gillespy, Gray, Huntsman, Humphreys, Hess, Kelly, Kimbrough, Ledbetter, Loving, Robert J. McKinney, John A. McKinney, Mabry, Montgomery, Marr, Nelson, Purdy, Roadman, Ridley, Scott, Ury, Whitson, Walton, White, and Weakley—32.

Mr. **Kincannon** offered the following in lieu of the 2d branch of Mr. Garrett's resolution, to wit:

"That no Legislature shall charter more than one bank at any one session, and that only at a regular session, and that no bank charter shall ever be renewed in this State."

Which was accepted by Mr. **Garrett**.

Mr. **Roadman** proposed to amend the amendment of Mr. Kincannon as accepted by Mr. Garrett, by providing,

"That no bank shall be chartered without the concurrent vote of two-thirds of both Houses of the General Assembly;" which was rejected.

The proposition of Mr. Kincannon was thereupon adapted without amendment.

And thereupon the Convention adjourned.

Saturday, July 26, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Kimbrough of the Baptist Church.

Mr. Hodges submitted the following:

Resolved, That in order to expedite the public business, and to prevent the waste of public money, that no member of this Convention shall be permitted to speak more than twice on any one subject, and not longer than ten minutes on any one question.

And the rule being suspended, Mr. Cannon moved to lay the said resolution on the table: and thereupon the question was had and determined in the affirmative; ayes 46, noes 6.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. President (Carter), Armstrong, Alexander, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gray, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. M'Kinney, John A. M'Kinney, Montgomery, Marr, Nelson, Purdy, Richardson, Ridley, Robertson, Stephenson, Smith, Smartt, Scott, Ury, Whitson, Walton, White, Webster, and Weakley—46.

The negative voters are,

Messrs. Bradshaw, Hodges, Mabry, McGaughey, Roadman, and Sharp—6.

And so said resolution was ordered to the table.

Mr. Nelson submitted the following:

Whereas, it is believed that every important subject connected with the duties of this Convention, has been fully and amply discussed, in Committee of the Whole, and such principles have been settled as meet the decided approbation of a majority of this body; and such as we believe will meet the approbation of a majority of the people of Tennessee; therefore,

Resolved, That we will adopt the Report of the Chairman of the Committee of the Whole, as the Constitution of this State, with such corrections, alterations, additions and amendments as may be made on the different readings between this day and the 9th day of August next, and that this Convention will then adjourn.

On motion of Mr. Garrett, it was ordered, that the further consideration of his resolution, which was under debate at the adjournment on yesterday, be postponed.

Mr. Webster's report from the Committee on new Counties, was, on motion of Mr. Kincaid, taken up and read.

Mr. Kincaid moved to strike therefrom, that part thereof which provides, "that no new county line shall be run nearer to the seat of justice of Bedford county, than ten and a half miles," for the purpose of providing, that such new county lines shall not approach the said seat of justice nearer than eleven miles.

Mr. Cannon moved to amend the proposition of Mr. Kincaid, by striking out "eleven miles" and inserting in lieu thereof, "twelve and a half miles."

Mr. Smith thereupon moved to lay the said report, together with the proposed amendments, upon the table; which motion was rejected.

Mr. Fulton moved that the question be taken upon striking out, which prevailing, it was thereupon had and determined in the affirmative.

The question next recurring upon the amendment proposed by Mr. Cannon, and being thereon had, it was rejected.

Whereupon Mr. Kincaid's amendment was read and adopted.

Mr. Ridley moved an adjournment until Monday morning, eight o'clock, and thereupon the question was had and determined in the negative; ayes 23, noes 27.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. Armstrong, Alexander, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Garrett, Gillespy, Hill, Huntsman, Hess, Kincannon, Loving, Marr, Purdy, Ridley, Robertson, Smith, Ury, Walton and White; 23.

The negative voters are,

Messrs. President (Carter), Bradshaw, Fulton, Fogg, Gray, Hodges, Humphreys, Kelly, Kincaid, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Nelson, Roadman, Richardson, Stephenson, Smartt, Sharp, Scott, Whitson, Webster and Weakley; 27.

Mr. Kincaid offered a further amendment to said report, and after some discussion had thereon, he asked and obtained leave to withdraw it.

And then the Convention adjourned.

Monday, July 28, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Reverend Mr Hess, of the Cumberland Presbyterian Church.

Mr Richardson presented the memorial of sundry citizens of Franklin and Warren counties, praying that a new county be established, from territory to be taken from said Counties; which was read and ordered to the table.

The report of the Committee on new Counties being under consideration at the adjournment of the Convention, on Saturday last, was taken up, read, and on motion of Mr Smith, ordered to the table until to-morrow.

Mr Smith submitted the following:

Resolved, That the general provision heretofore adopted by this Convention, relative to the establishment of new Counties be so amended, that no new County shall be established by the Legislature to consist of less than three hundred and fifty square miles, and shall contain   qualified voters. And that the size of no older County or Counties shall be reduced to less than five hundred square miles; and that, on account of change of lines to establish new Counties, shall the present seats of justice in any of the old counties be removed.

On motion of Mr JOHN A. MCKINNEY,

The resolution submitted by him on Friday last, providing, "that the Legislature of this State shall have a regular session once in three years only," was taken up and read; and after some discussion had thereon, it was, on motion of Mr ALLEN, ordered to the table.

On motion of Mr ROADMAN,

The report of the Committee of the Whole made on Friday last, was taken up.

Mr CANNON moved that it be read, and acted upon section by section; which motion prevailing,

The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, and thirteenth sections of the Bill of Rights were severally read and concurred with.

The fourteenth section was next read.

Mr SMITH moved to amend, by adding thereto the following: "except in cases provided for by the Legislature," which motion was rejected. The said fourteenth section was thereupon concurred with, without amendment.

The fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, and twenty-fifth sections of the same Article were thereupon read and concurred with.

The twenty-sixth section being read,

Mr ROADMAN moved to strike therefrom the word "white," in lieu of which Mr ROBERT J. MCKINNEY proposed to substitute the word "citizens." The question was then had upon the proposition of Mr ROADMAN, and determined in the negative; ayes 19, noes 30.

The ayes and noes being demanded, those who voted in the affirmative are,

Messrs. Armstrong, Bradshaw, Gillespy, Gray, Hill, Kelly, Kincaid, Kimbrough, Robert J. McKinney, McGaughey, Nelson, Roadman, Richardson, Stephenson, Smith, Scott, Whitson, Walton and Webster; 19:

Those who voted in the negative are

Messrs. President (Carter,) Allen, Alexander, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Hodges, Huntsman, Humphreys, Hess, Kendall, Loving, McClellan, John A. McKinney, Mabry, Montgomery, Marr, Purdy, Ridley, Smartt, Sharp, Ury and Weakley; 30.

Mr Fulton moved to amend said section, by adding thereto, after the word "State" the following: "being citizens of the United States;" and the question thereon being had, it was determined in the negative; ayes 19; noes 30.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. President (Carter,) Armstrong, Bradshaw, Blount, Childress, Fulton, Fogg, Hodges, Hill, Huntsman, Kincaid, Kimbrough, McClellan, Marr, Smartt, Sharp, Ury, Weakley, and Webster; 19.

The negative voters are,

Messrs. Allen, Alexander, Cannon, Cahal, Cobbs, Cheatham, Cross, Garrett, Gillespy, Gray, Humphreys, Hess, Kelly, Kendall, Loving, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Nelson, Purdy, Roadman, Richardson, Ridley, Stevenson, Smith, Scott, Whitson and Walton; 30.

The said twenty-sixth section was thereupon read, as reported, and concurred with.

The twenty-seventh section was then read, and concurred with.

The twenty-eighth section being read, Mr Blount offered the following in lieu thereof, to wit:

"The militia of this State, shall at all times hereafter be armed, and disciplined, and in readiness for service; but all such inhabitants of this State of any religious denomination whatever (as from scruples of conscience may be averse to bearing arms) shall be excused therefrom by paying the State an equivalent in money, and the Legislature shall provide by law, for the collection of such equivalent, to be estimated according to the expense in time and money of any able-bodied militia man."

And thereupon the question was had, "will the Convention receive the said amendment?" and determined in the negative; ayes 12, noes 37.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. Armstrong, Blount, Cannon, Cahal, Fulton, Marr, Purdy, Smith, Sharp, Scott, Ury and Weakley; 12.

The negative voters are

Messrs. President (Carter,) Allen, Alexander, Bradshaw, Childress, Cobbs, Cheatham, Cross, Fogg, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Nelson, Roadman, Richardson, Ridley, Stevenson, Smartt, Whitson, Walton and Webster; 37.

Mr Fulton then offered the following in lieu of the said twenty-eighth section, to wit:

"That any citizen of this State may be exempted from bearing arms, by the Legislature."

And the question thereon being had, it was determined in the negative; ayes 13, noes 36.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. Armstrong, Cannon, Cahal, Fulton, Marr, Nelson, Purdy, Ridley, Smith, Sharp, Scott, Ury and Weakley; 13.

Those who voted in the negative are,

Messrs. President (Carter,) Allen, Alexander, Bradshaw, Blount, Childress, Cobbs, Cheatham, Cross, Fogg, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Roadman, Richardson, Stevenson, Smartt, Whitson, Walton and Webster; 36.

And so the said amendment was rejected.

Mr CHEATHAM thereupon moved to amend the said twenty-eighth section, by adding thereto the following, "or furnish a good and sufficient substitute," which was also rejected.

Mr GRAY then offered the following in lieu of said section, to wit:

"That no person who is religiously scrupulous of bearing arms, can be compelled to do so; but he may be compelled to pay an equivalent for military service in such manner as shall be prescribed by law."

And the question being thereon had, it was determined in the negative.

Mr MARR offered the following in lieu of the said twenty-eighth section, to-wit:

"That all citizens of this State may be excused from bearing arms, provided they will pay an equivalent to be ascertained by law."

Which was also rejected.

The said section was thereupon read as reported, and concurred with without amendment.

The twenty-ninth, thirtieth, and thirty-first sections were next severally read and concurred with.

Mr GILLESPY moved to amend the said report, by reinstating the thirty-first section of the Bill of Rights annexed to the existing Constitution, which motion prevailed.

The first section of the first article was next read and concurred with.

The second section being read, Mr McGAUGHEY moved to strike therefrom the words "seventy-five," for the purpose of inserting the word "fifty."

MR McCLELLAN moved a division of the question, which motion prevailing, the question was thereupon had, "will the Convention strike out the words 'seventy-five?'" and determined in the negative; ayes 19, noes 34.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. Bradshaw, Burton, Cannon, Childress, Douglass, Gillespy, Kincaid, Kendall, Kimbrough, McClellan, Robert J. McKinney, McGaughey, Richardson, Ridley, Robertson, Stephenson, Scott, Watson and Webster; 9.

Those who voted in the negative are,

Messrs. President (Carter,) Allen, Alexander, Blount, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Loving, Mabry, Montgomery, Marr, Nelson, Purdy, Roadman, Senter, Smith, Smartt, Sharp, Ury, Whitson, White and Weakley; 31.

Mr Purdy moved to fill the blank in the said section with the words "ninety-nine," and thereupon the question was had and determined in the affirmative; ayes 29, noes 24.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. President (Carter,) Allen, Alexander, Blount, Cahal, Cobbs, Fulton, Fogg, Garrett, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Loving, Marr, Nelson, Purdy, Ridley, Smith, Smartt, Sharp, Ury, Whitson, Walton and White; 29.

Those who voted in the negative are,

Messrs. Bradshaw, Burton, Cannon, Childress, Cheatham, Cross, Douglass, Gillespy, Kincaid, Kendall, Kimbrough, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Roadman, Richard[illegible] Robertson, Stephenson, Senter, Scott, Webster and Weakley; 2[illegible]

Mr Gray moved to add the words "and a half," immediately aft[illegible] word "million"; which motion prevailed, and the amendment [illegible] ordered.

Mr Childress moved to strike from said section the following, "provided that any one of the small counties, having two-thirds of the ratio, shall be entitled to one member"; and thereupon the question was had and determined in the negative; ayes 9, noes 46.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. Allen, Burton, Cannon, Childress, Douglass, Fulton, Kincannon, Kimbrough and Webster; 9.

The negative voters are,

Messrs. President (Carter,) Armstrong, Alexander, Bradshaw, Blount, Cahal, Cobbs, Cheatham, Cross, Fogg, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Nelson, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White and Weakley; 46.

The said second section as amended, was thereupon read and concurred with.

The third section of said first article being read, Mr. John A. McKinney moved to amend by striking therefrom the words, "one-third the number of Representatives," for the purpose of substituting therefor the words, "twenty-five and shall never exceed that number."

Mr Alexander moved a division of the question, which motion prevailing, the question was thereupon had, "will the Convention strike out the said words?" and determined in the negative; ayes 19, noes 36.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. President (Carter,) Allen, Bradshaw, Childress, Gillespy, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Roadman, Robertson, Stephenson, Senter, Smith and Scott; 19.

The negative voters are,

Messrs. Armstrong, Alexander, Burton, Blount, Cannon, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Loving, Marr, Nelson, Purdy, Richardson, Ridley, Smartt, Sharp, Ury, Whitson, Walton, White, Webster and Weakley; 36.

Mr Douglass then offered the following, as an amendment to the said section, to wit:

"*And provided further*, that if two or more counties adjoining shall have fractions, whose aggregate may amount to the ratio, an additional member shall be allowed to said counties alternately."

In lieu of which, Mr Fogg moved to insert the words, "or counties" [illegible]mediately after the word "county" in the several places where it oc[illegible] in said section; which motion was determined in the affirmative.

[illegible]e said third section as amended, was read and concurred with.

[illegible]e fourth section being read, Mr Huntsman moved to strike therefrom, the words, "first Monday" for the purpose of inserting in lieu thereof the words, "second Monday."

Mr John A. McKinney, moved a division of the question; which prevailing, the question was thereupon had, on striking out, and determined in the negative.

Whereupon the said section was concurred with, without amendment.

The fifth section being read, Mr John A. McKinney moved to strike therefrom the word "two" and insert in lieu thereof the word "three."

And thereon the question was had and determined in the negative; ayes 24, noes 31.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. President (Carter,) Allen, Bradshaw, Childress, Cheatham, Douglass, Fogg, Garrett, Gillespy, Hodges, Hill, Hess, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Nelson, Roadman, Robertson, Senter, Walton and Weakley; 24.

The negative voters are,

Messrs. Armstrong, Alexander, Burton, Blount, Cannon, Cahal, Cobbs, Cross, Fulton, Gray, Huntsman, Humphreys, Kelly, Kincannon, Kincaid, Loving, Mabry, Montgomery, Marr, Purdy, Richardson, Ridley, Stephenson, Smith, Smartt, Sharp, Scott, Ury, Whitson, White and Webster; 31.

Mr Robert J. McKinney moved to amend the said section by adding thereto the following, to wit:

"That after the year one thousand, eight hundred and thirty-eight, the General Assembly, shall not at any session sit longer than ——— days."

And thereupon the question was had, and determined in the affirmative; ayes 29, noes 26.

The ayes and noes being demanded,

The affirmative voters are,

Messrs President (Carter,) Bradshaw, Blount, Childress, Cheatham, Douglass, Garrett, Hill, Huntsman, Hess, Kelly, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Nelson, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Whitson, Walton and Weakley; 29.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Burton, Cannon, Cahal, Cobbs, Cross, Fulton, Fogg, Gillespy, Gray, Hodges, Humphreys, Kincannon, Kincaid, Loving, Montgomery, Marr, Purdy, Robertson, Sharp, Scott, Ury, White and Webster; 26.

Mr Robert J. McKinney moved to insert "forty days."

Mr Stephenson moved to fill the blank in said amendment with [illegible] words "fifty days."

Mr John A. McKinney moved to fill the blank with the words "[illegible] six days."

Mr Huntsman moved to fill the blank with the words "sixty days."

Mr Gray, with the words "seventy days."

Which last having precedence, the question was had thereon, and it was rejected.

The question then recurred upon the proposition of Mr Huntsman, and being thereon had, it was determined in the negative; ayes 25; noes 30.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. President (Carter,) Bradshaw, Childress, Douglass, Garrett, Hodges, Hill, Huntsman, Hess, Kelly, Kendall, Kimbrough, McClellan, John A. McKinney, Mabry, McGaughey, Nelson, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt and Walton; 25.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Burton, Blount, Cannon, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Gillespy, Gray, Humphreys, Kincannon, Kincaid, Loving, Robert J. McKinney, Montgomery, Marr, Purdy, Robertson, Sharp, Scott, Ury, Whitson, White, Webster and Weakley; 30.

The question was next had upon the proposition of Mr John A. McKinney to fill the blank with the words "fifty-six," and determined in the negative; ayes 26; noes 29.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. President (Carter,) Bradshaw, Douglass, Garrett, Hodges, Hill, Huntsman, Hess, Kelly, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Nelson, Road man, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Walton and Weakley; 26.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Gillespy, Gray, Humphreys, Kincannon, Kincaid, Loving, Montgomery, Marr, Purdy, Robertson, Sharp, Scott, Ury, Whitson, White and Webster; 29.

And thereupon the Convention adjourned until to-morrow morning at nine o'clock.

TUESDAY, July 29th, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. HESS of the Cumberland Presbyterian Church.

Mr. HUMPHREYS, from the Committee on private and local legislation, made the following additional report:

The Committee on private and local legislation, recommend the following clauses to be added to the Constitution:

1st. The Legislature shall have no power to suspend any general [illegible] for the benefit of any particular individual, nor to pass any law [illegible] the benefit of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual, or individuals rights, privileges, immunities, or exemptions, other than such as may be by the same law extended to any member of the community who may be able to bring himself within the provisions of such law.

Provided always: The Legislature shall have power to grant such charters of incorporation as they may deem expedient for the public good.

2d. The Legislature shall have power to vest such powers, with regard to private and local affairs, as may be expedient, in the courts of justice.

On the subject of local and private legislation generally, the Committee feel much difficulty in providing the means of putting an end to it, without crippling the first and necessary powers of the Legislature.

The Committee believe that there is a wide distinction between the possession of improper powers, and the abuse of necessary and just powers. The great extent to which this private and local legislation has been carried in this State, the public time and money that has been consumed, has been rather the result of a vicious habit in the Legislature, than an exercise of improper powers.

All local and private legislation cannot be prohibited by a sweeping clause, without endangering the best interests of the State.

The amount exhibited to the Convention by the report of the Secretary of State seems enormous. In the year one thousand eight hundred and twenty-nine, there were one hundred and seven public acts, and three hundred and forty-seven private acts; and the number of pages taken up in printing the public acts was one hundred and forty-seven, and in printing the private acts was two hundred and eighty-six pages.

In one thousand eight hundred and thirty-one, we find passed one hundred and twelve public acts, and two hundred and eighty-four private acts. The public acts printed in one hundred and twenty-seven pages, and the private acts printed in two hundred and thirty-three pages.

In one thousand eight hundred and thirty-two, we find forty-two public acts printed in fifty-three pages, and one hundred and sixteen private acts printed in one hundred and forty-seven pages.

In one thousand eight hundred and thirty-three, we find ninety-one public acts printed in one hundred and seventeen pages, and the number of three hundred and five private acts printed in one hundred and seventy-nine pages.

This expose shows in bold relief the employment of the Legislature of Tennessee, for several years back.

The Committee cannot come to any other conclusion than that much of the private Legislation must have been useless,—nay worse than useless, injurious—to the country. They are of opinion, that much of such matter might, with propriety, be placed in the hands of the magistrates. This body of men is numerous—are to be hereafter selected by the people, and will always continue to have a congeniality of interest and feeling with the great mass of the people. The Committee do not know a safer or more judicious repository of such local and private matters as are of such inferior consequence as not to deserve the deliberate action of the great council of State. All however, which the committee believe can properly be done, is simply to vest the Legislature with discretionary power upon the subject matter.

The committee believe the provisions at the head of this report will go far to cut off an immense mass of this business. The committee will specify a few of the more troublesome and improper subjects that have occupied the attention of the Legislature. In the last three sessions ninety-six individuals have been authorized to hawk and peddle, and retail spirituous liquors without licences. The committee believe that all such acts should be absolutely prohibited and that it would be effected by the above clause.

If the community does require at all a law to prohibit the sale of spirituous liquors, without such licence as may be granted by the constituted authorities. If their interests will be promoted by such a law, that law should be general. If any injury will be done by giving unrestrained liberty to all to hawk and peddle, and retail liquors; then if granted to one individual, the injury results to the extent of his traffic. The only difference will be in the extent of the injury.

Shall rights, privileges or immunities be granted to individuals, contrary to the good morals of the people, and which are condemned by general law. If the Legislature think the interest of the country demand the repeal, it can be done; whilst in force let it operate on all alike. [illegible] in unison with our institutions. The release of fines, forfeiture, the granting of letters of administration, will be cut off. The Legislature has wasted much time and money in debating the propriety of authorising mill dams and fish traps to be erected in streams declared to be navigable by the laws of the whole land. If any stream be navigable, and should be of sufficient consequence to be so declared for the best interest of the country, it should be preserved by the force of the laws free from the slightest obstruction. Laws should not be passed, authorising certain individuals to obstruct the stream to a certain extent. This is a right granted to some favored individual, and prohibited to the rest of the community, because injurious to the whole.

It is a privilege, an immunity, granted in contravention of general law. All such legislation will come under the ban of the recommended clause. It is the most comprehensive that can be adopted without inserting an absolute prohibitory clause to all local and pri[illegible] legislation. That would be wholly improper. The committee [illegible] opinion that it would be ineffectual and improper to descend to [illegible] in the formation of a Constitution. New cases of legislation [illegible] arise which would be as troublesome as specific ones cut off. The provision recommended would put an end to countless cases that it is impossible [illegible]ee. The committee find in the constitution, numerous provisio[illegible]nded to protect the rights of individuals against the encroachments of the government. They believe that it is just as necessary that the body politic should be protected against the extension of peculiar rights and immunities to individuals at the expense of the community.

All of which, is respectfully, submitted.
W. H. HUMPHREYS, *Chairman*.

Mr Childress, at the request of Mr Fu[illegible]n, moved a reconsideration of the vote taken on yesterday, adopting Mr Robert J. McKinney's proposition as an amendment to the fifth section of the first article: and thereupon the question was submitted, and determined [illegible] negative; ayes 28, noes 29.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. Allen, Armstrong, Alexander, Burton, Cannon, Cahal, Cobbs, Cross, Fulton, Fogg, Gillespy, Gray, Gordon, Humphreys, Kincannon, Kincaid, Ledbetter, Loving, Montgomery, Marr, Purdy, Robertson, Sharp, Scott, Ury, Whitson, White and Webster; 28.

Those who voted in the negative are,

Messrs. President (Carter,) Bradshaw, Blount, Childress, Cheatham, Douglass, Garrett, Hodges, Hill, Huntsman, Hess, Kelly, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Nelson, Roadman, Richardson, Ridle[illegible] [illegible]phenson, Senter, Smith, Smartt, Walton and Weakley; 29.

And so said motion was rejected.

Whereupon Mr Huntsman moved to fill the blank in said amendment with the words "sixty-three," and thereupon the question was had and determined in the negative; ayes 26, noes 31.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. President (Carter), Bradshaw, Childress, Cheatham, Garrett, Hodges, Hill, Huntsman, Hess, Kelly, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Nelson, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt and Walton; 26.

Those who voted in the negative are,

Messrs. Allen, Armstrong, Alexander, Burton, Blount, Cannon, Cahal, Cobbs, Cross, Douglass, Fulton, Fogg, Gillespy, Gray, Gordon, Humphreys, Kincannon, Kincaid, Ledbetter, Loving, Montgomery, Marr, Purdy, Robertson, Sharp, Scott, Ury, Whitson, White, Webster and Weakley; 31.

Mr Cahal moved to lay the said proposition of Mr Robert J. McKinney and the amendments thereto proposed, on the table, and thereupon the question was had and determined in the affirmative; ayes 31, noes 26.

The ayes and noes being demanded,

Those who voted in the affirmative are,

Messrs. Allen, Armstrong, Alexander, Burton, Cannon, Cahal, Cobbs, Cross, Fulton, Fogg, Gillespy, Gray, Gordon, Humphreys, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, Montgomery, Marr, Purdy, Richardson, Robertson, Sharp, Scott, Ury, Whitson, White, Webster and Weakley; 31.

Those who voted in the negative are,

Messrs. President (Carter), Bradshaw, Blount, Childress, Cheatham, Douglass, Garrett, Hodges, Hill, Huntsman, Hess, Kelly, Kendall, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Nelson, Roadman, Ridley, Stephenson, Senter, Smith, Smartt and Walton; 26.

The fifth section was next read, and amended on motion of Mr John A. McKinney by striking from the second line thereof, the word "said," and inserting in its stead the word "the," and also by inserting the word "commencing," in the same line immediately after the word "thereafter."

The said fifth section was then read as amended, and concurred with.

The sixth section was thereupon read and concurred with, without amendment.

The seventh section was read and amended on motion of Mr John A. McKinney, by striking therefrom the word "should," and inserting in lieu the word "shall."

The said section as amended was concurred with.

The eighth section being read, Mr McClellan moved to amend by striking therefrom the word "thirty," for the purpose of inserting the words "twenty-five."

Mr WEAKLEY moved a division; which prevailing, the question was thereupon had upon striking out the word "thirty," and determined in the negative; ayes 19, noes 36.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. Armstrong, Alexander, Blount, Cannon, Cahal, Cheatham, Fulton, Gillespy, Hill, Humphreys, Kincannon, McClellan, Mabry, McGaughey, Richardson, Stephenson, Scott, White and Webster; 19.

The negative voters are,

Messrs. President (Carter), Allen, Bradshaw, Childress, Cobbs, Cross, Douglass, Fogg, Garrett, Gray, Gordon, Hodges, Huntsman, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, Robert J. McKinney, John A. McKinney, Montgomery, Marr, Nelson, Purdy, Roadman, Ridley, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton and Weakley; 36.

Mr LEDBETTER thereupon offered the following proviso, as an amendment to said eighth section; to wit: "Provided, that any person who may have been elected heretofore to the Senate, shall again be eligible to a seat in that body;" and the sense of the Convention being thereupon had, the said proviso was rejected.

Mr FULTON moved to strike from the first line of said section, the words "of the General Assembly;" which motion was rejected.

The said section was then read and concurred with.

The ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth sections were then read and concurred with, without amendment.

The sixteenth section being read, Mr STEPHENSON offered the following in lieu thereof; to wit: "Every bill shall be read three times on three several days in each House and be signed by the respective Speakers, before it becomes a law;" and the question thereon being had, the said proposition was rejected.

On motion of Mr FOGG, the said sixteenth section was amended, by inserting in the second line thereof the words "every bill" between the words "and" and "shall."

The said sixteenth section was thereupon read as amended, and concurred with.

The seventeenth and eighteenth sections were next read and concurred with.

The nineteenth section being read, Mr McGAUGHEY offered the following amendment thereto, to be inserted after the word "secret," in the second line of said section; to wit: "And every bill of a general character, and bills making appropriations of public moneys, shall upon their third or last reading in each House, be passed upon the ayes and noes, which shall be entered upon the journals."

Mr BURTON moved a division; which motion failing, the question then recurred upon Mr McGaughey's amendment, and being thereon had, it was determined in the affirmative; ayes 37, noes 16.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. President (Carter), Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Douglass, Garrett, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Nelson, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Scott, Ury, Whitson, Walton, White and Webster; 37.

The negative voters are,

Messrs. Allen, Alexander, Cahal, Cross, Fulton, Fogg, Gillespy, Gordon, Kincaid, Kendall, Loving, Marr, Purdy, Robertson, Sharp and Weakley; 16.

The said nineteenth section was thereupon read, as amended, and concurred with.

The twentieth section was then read and concurred with.

The twenty-first section was next read, and amended, on motion of Mr FULTON, by striking out the word "the" and inserting in lieu the article "a" in the last line, between the words "by" and "preceding."

Mr SMITH moved further to amend, by providing that the members of the Legislature should not receive more than three dollars a day for their services; which motion was rejected.

The said section was thereupon read as amended, and concurred with.

The twenty-second, twenty-third, twenty-fourth, twenty-fifth and twenty-sixth sections were severally read and concurred with, without amendment.

The twenty-seventh section being read, Mr KENDALL moved to amend by striking out the word "slaves," in the first line of said section, and inserting the words "slaves or" in the same line, between the words "such" and "other"; which motion prevailed.

The said section was further amended, on motion of Mr JOHN A. MCKINNEY, by inserting the words "town lots" in the first line thereof, after the word "entry".

Mr MONTGOMERY offered the following as an additional amendment to said section; to wit: "And provided also, that nothing herein contained, shall be so construed, as to require dwelling houses and improvements to be taken into the estimate, in the valuation of lands, except such as may be within the limits of a county seat or incorporate town."

In lieu of which, Mr LEDBETTER submitted the following; which was accepted by Mr MONTGOMERY, (to wit:)

"And provided also, that nothing herein contained, shall be so construed as to tax dwelling houses and improvements made upon any lands or town lots, except such improvements as may produce to the owner or owners a yearly rent, equal to the tax."

And in lieu of the foregoing, Mr NELSON submitted the following:

"Provided, the Legislature shall have the power to exempt improvements from taxation."

Mr CHEATHAM moved to amend Mr Nelson's proposition, by inserting the words "manufacturing establishments or" immediately preceding the word "improvements"; which motion prevailed.

The question was then had on the adoption of Mr Nelson's amendment, in lieu of Mr Montgomery's, and determined in the negative.

The question then recurred upon the adoption of Mr Montgomery's amendment; and after some discussion had thereon, Mr Montgomery asked and obtained leave to withdraw it.

Mr Stephenson then offered the following proviso, as an amendment to said twenty-seventh section, to wit:

"*Provided*, that in ascertaining the value of lands, the improvements thereon shall not be taken into consideration."

In lieu of which, Mr Montgomery, offered his original proposition; and the question thereon being had, it was determined in the negative; ayes 12, noes 45.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. Burton, Blount, Douglass, Gray, Kendall, McGaughey, Montgomery, Nelson, Roadman, Stephenson, Scott and Weakley; 12.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, Marr, Purdy, Richardson, Ridley, Robertson, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton, White and Webster; 45.

And so said amendment was rejected.

Mr Kincaid then offered the following, in lieu of Mr Stephenson's amendment; to wit:

"*Provided*, nothing herein contained, shall be construed to authorize the Legislature to tax dwelling houses upon lands or town lots;" which was rejected.

Mr Fogg thereupon submitted the following, in lieu of the proposition of Mr Stephenson, and in lieu of the said twenty-seventh section; to wit:

"All lands held by deed, grant or entry, town lots, and such other property as the Legislature may from time to time deem expedient, shall be taxable. All property to be taxed according to its value; that value to be ascertained in such manner as the Legislature shall direct, so that the same shall be equal and uniform, as near as possible, throughout the State: *Provided*, that no one species of property shall be taxed higher than any other species of property of equal value; and the Legislature shall also have authority to impose a poll tax upon freemen and a capitation tax upon slaves; and shall also have power to impose taxes upon occupations, if to the Legislature it shall seem expedient."

And the question upon the adoption of the foregoing being had, it was determined in the negative.

The question then recurred upon the amendment of Mr Stephenson, and being thereupon had, it was determined in the negative; ayes 20, noes 36.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. Burton, Blount, Childress, Cahal, Cobbs, Cheatham, Douglass, Fogg, Gray, Ledbetter, Loving, Montgomey, Nelson, Roadman, Ridley, Stephenson, Smith, Scott, Webster and Weakley; 20.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Cannon, Cross, Fulton, Garrett, Gillespy, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Purdy, Richardson, Robertson, Senter, Smartt, Sharp, Ury, Whitson, Walton and White; 36.

And so said amendment was rejected.

Mr Smith then offered the following in lieu of the said twenty-seventh section; to wit:

"That all lands shall be classed in three or more classes, and valued by the owner or agent according to classification, and be taxed in proportion to value, reserving to the Legislature, the power to provide a penalty for a false valuation.

"That town lots with their improvements, and slaves, shall be valued and taxed in like manner.

"That all bank stock, brokers' and exchange offices, (whether with or without a charter,) capital vested in large establishments of every description when in active operation: all incorporated companies, and associations having exclusive privileges by law, and all active capital, including money at interest, shall be fit subjects of taxation.

"That the valuation of land and the tax levied thereon, shall be the basis by which all other taxes shall be regulated."

And then the Convention adjourned.

Wednesday, July 30, 1834.

The Convention met according to adjournment, and was opened with prayer by the Rev. Mr Senter, of the Methodist Episcopal Church.

On motion of Mr Alexander, it was ordered, that the names of the members calling for the ayes and noes be entered upon the journal.

Mr Smith's amendment, in lieu of the twenty-seventh section of the first article, which was under consideration at the adjournment on yesterday, was taken up and read.

Mr Roadman moved a division of the proposition; which motion was decided in the negative. The question was then had upon the adoption of the said proposition in lieu of the said twenty-seventh section, and determined in the negative; ayes 7, noes 50.

The ayes and noes being demanded by Mr Smith,

The affirmative voters are,

Messrs. Cahal, Cobbs, Gordon, Kincannon, Kincaid, Smith and Sharp; 7.

The negative voters are,

Messrs President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stevenson, Senter, Smartt, Scott, Ury, Whitson, Walton, Webster and Weakley; 50.

Mr. Mabry submitted the following as an amendment to the said twenty-seventh section, to be inserted immediately after the word "State," in the fourth line of said section; to wit:

"All tax collected off of the free white polls of this State, and bank stock, together with all the vacant and unappropriated lands in this State, to which the State now has, or may hereafter obtain a title, and the proceeds thereof, shall be appropriated to the use of common schools in this State. And all other donations and appropriations shall remain as a school fund forever.

Mr. Ledbetter moved to lay the foregoing amendment on the table; and thereupon the question was had and determined in the affirmative; ayes 29, noes 28.

The ayes and noes being demanded by Mr. Mabry,

The affirmative voters are,

Messrs. President (Carter), Allen, Alexander, Burton, Blount, Cannon, Cobbs, Cross, Fogg, Gillespy, Gray, Huntsman, Humphreys, Kelly, Kincannon, Ledbetter, Loving, McClellan, Robert J. McKinney, McGaughey, Montgomery, Marr, Porter, Purdy, Roadman, Senter, Ury, Walton and Weakley; 29.

The negative voters are,

Messrs. Armstrong, Bradshaw, Childress, Cahal, Cheatham, Douglass, Fulton, Garrett, Gordon, Hodges, Hill, Hess, Kincaid, Kendall, Kimbrough, John A. McKinney, Mabry, Nelson, Richardson, Ridley, Robertson, Stephenson, Smith, Smartt, Sharp, Scott, Whitson and Webster; 28.

Mr. Allen moved to strike out the whole of said section, except the following after the word "provided"; to wit:

"That no one species of property from which a tax may be collected, shall be taxed higher than any other species of property of equal value."

And thereupon the question was had and determined in the negative; ayes 8, noes 48.

The ayes and noes being demanded by Mr. Senter,

The affirmative voters are,

Messrs. Allen, Cahal, Douglass, Fulton, Kincannon, Porter, Ury and Weakley; 8.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Nelson, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Whitson, Walton and Webster; 48.

Mr. Porter thereupon submitted the following in lieu of the said twenty-seventh section; to wit:

"That all lands held by deed, grant or entry, and such other property as the Legislature may, from time to time, deem expedient, shall be taxable; and shall be taxed equal and uniform throughout the State, in such manner as the Legislature shall direct."

And thereupon the question was had, "will the Convention adopt the amendment?" and determined in the negative; ayes 12, noes 44.

The ayes and noes being demanded by Mr Weakley,

Those who voted in the affirmative are,

Messrs. Allen, Burton, Blount, Childress, Cahal, Cheatham, Fulton, Fogg, Gordon, Porter, Sharp and Weakley; 12.

Those who voted in the negative are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Cannon, Cross, Douglass, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Scott, Ury, Whitson, Walton and Webster; 44.

Mr Ridley offered the following as an amendment to the said twenty-seventh section; to wit:

"And a poll tax shall be laid in such manner, and to such an amount, as the Legislature may, from time to time, direct"; which was received.

Mr McGaughey then offered the following, in lieu of the said twenty-seventh section; to wit:

"That all lands in this State held by deed, grant or entry, town lots and slaves shall be taxable. Lands shall be classed in three or more classes, in such manner as the Legislature may prescribe and shall be taxed according to the original quality, as nearly as can be ascertained. Town lots and slaves shall be taxed according to value. The assessment of tax upon land shall not be made oftener than once in every period of ten years."

In lieu of the foregoing, and as amendatory to the said twenty-seventh section, Mr Mabry called up and offered his proposition of this day. And thereupon the question was had, and determined in the negative; 20; noes 36.

The ayes and noes being demanded by Mr Mabry,

The affirmative voters are,

Messrs. Armstrong, Cannon, Cahal, Garrett, Gillespy, Hodges, Hill, Huntsman, Kincannon, Kimbrough, John A. McKinney, Mabry, Nelson, Ridley, Stephenson, Senter, Smartt, Sharp, Whitson and Webster; 20.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Blount, Childress, Cheatham, Cross, Douglass, Fulton, Fogg, Gray, Gordon, Humphreys, Hess, Kelly, Kincaid, Kendall, Ledbetter, Loving, McClellan, Robert J. McKinney, McGaughey, Montgomery, Marr, Neil, Porter, Roadman, Richardson, Robertson, Smith, Scott, Ury, Walton and Weakley; 36.

The question then recurred upon the amendment of Mr McGaughey.

Mr Cheatham moved a division, which motion failing, the question was thereupon had upon the adoption of the said amendment, and determined in the negative; ayes 7, noes 49.

The ayes and noes being demanded by Mr McGaughey,

The affirmative voters are,

Messrs Cahal, McClellan, Robert J. McKinney, McGaughey, Roadman, Stephenson and Weakley; 7.

The negative voters are,

Messrs President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, John A. McKinney, Mabry, Montgomery, Marr, Neil, Nelson, Porter, Richardson, Ridley, Robertson, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton and Webster; 49.

The said twenty-seventh section was thereupon read as amended, and the question "will the Convention adopt the said section" being had, it was determined in the affirmative; ayes 43, noes 13.

The ayes and noes being demanded by Mr Weakley,

The affirmative voters are,

Messrs President (Carter), Armstrong, Alexander, Bradshaw, Cannon, Childress, Cross, Garrett, Gillespie, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Marr, Neil, Nelson, Roadman, Richardson, Ridley, Robertson, Stevenson, Senter, Smartt, Scott, Ury, Whitson, Walton and Webster; 43.

The negative voters are,

Messrs. Allen, Burton, Blount, Cahal, Cheatham, Douglass, Fulton, Fogg, Mabry, Porter, Smith, Sharp and Weakley; 13.

The twenty-eighth section was thereupon read and concurred with.

On motion of Mr Hess, the resolution submitted by him on the sixth of June, on the subject of emancipation, was taken up and read. The first branch of which is as follows; to wit:

Resolved, That the General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owner or owners; or without paying their owners previous to such emancipation, a full equivalent in money for the slave or slaves so emancipated.

Mr Hess offered the foregoing as an additional section to the first article.

Mr Kimbrough moved to lay it on the table until the first day of January next; and after some discussion thereon,

Mr Garrett moved the previous question, which being sustained, the question was submitted, "will the Convention lay the resolution upon the table until the first day of January next?" and determined in the negative; ayes 21, noes 37.

The ayes and noes being demanded by Mr Hess,

The affirmative voters are,

Messrs. President (Carter), Bradshaw, Cahal, Cobbs, Cross, Gillespy, Gray, Kelly, Kincaid, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Roadman, Richardson, Stephenson, Senter, Scott, Walton and Webster; 21.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Burton, Blount, Cannon, Childress, Cheatham, Douglass, Fulton, Fogg, Garrett, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kincannon, Kendall, Ledbetter, Loving, Mabry, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Ridley, Robertson, Smith, Smartt, Sharp, Ury, Whitson and Weakey; 37.

The question then recurred upon the adoption of Mr Hess' resolution, and being thereupon had, it was determined in the affirmative; ayes 30, noes 27.

The ayes and noes being demanded by Mr. Roadman,

The affirmative voters are,

Messrs. Allen, Alexander, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Douglass, Fulton, Fogg, Garrett, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Ledbetter, Loving, Marr, Nelson, Porter, Purdy, Ridley, Robertson, Smith, Sharp, Whitson and Weakley; 30.

The negative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Cahal, Cross, Gillespy, Gray, Kelly, Kincannon, Kincaid, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Neil, Roadman, Richardson, Stephenson, Senter, Scott, Smartt, Ury, Walton and Webster; 27.

And the Convention adjourned, until to-morrow morning, nine o'clock.

Thursday, July 31, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Kimbrough, of the Baptist Church.

Mr Ledbetter, from the select Committee, to whom was referred a resolution, requiring them to ascertain and report the amount of the common school fund belonging to the State, and for other purposes, made the following

REPORT.

"The select Committee, to whom was referred the resolution of the Convention, of the —— by which they were instructed to inquire and ascertain, and to report the amount of the common school funds belonging to the State, in what the same consists, whence derived, and how vested; and also what constitutional provision is necessary to be made in order to secure and perpetuate the same for the use of common schools for ever, have had the several subjects referred to them under consideration, and after bestowing upon them, all the attention demanded of the Committee by their paramount importance to the people of the State, beg leave respectfully to Report:

"That from the best examination they have been able to give to the matters referred, and from such calculations as they have been able to make from all the data within their reach, it appears that there has been heretofore appropriated by the General Assembly to the use of common schools, of the capital of the Bank of the State of Tennessee, and which has been apportioned among the different counties of the State, the sum of *four hundred and fifty-five thousand one hundred and thirty-three dollars and thirty-three cents.*

"Various other legislative appropriations have been made at different times, among which may be enumerated, the revenue arising from the tax on lands entered at twelve and a half cents per acre, and also the lands subsequently entered at one cent per acre; the donation made by Mason Lee, of South Carolina, to the State of Tennessee, by devise; all other donations made by devise or otherwise, which have been or may be made to the state, and not specifically made for some other purpose; all escheats which shall accrue to the state; the goods and chattels, rights, credits and effects, of every person who may depart this life, within or without this State, when such descendant shall have no person of kin to him or her, entitled by the laws of distribution of this State to the same, and who does not legally dispose of said estate; also, the taxes arising from licenses authorized to be issued by the act of 1831, to persons permitted to retail spirituous liquors. The probable amount of any, or all of which said appropriations, your committee have no means of ascertaining in a manner satisfactory to themselves or affording data of sufficient certainty to enable them to report the same to the Convention.

"All the vacant and unappropriated lands within the limits of thi State, to which the State has title, or the title to which the State may hereafter acquire, therents and mesne profits of the located school lands, have also been appropriated by law to the encouragement and support of common schools. The probable value of said lands, and the probable annual amount of said rents and profits, your Committee have not the means of ascertaining so as to be enabled to state or estimate the same with any approximation to certainty.

"The *bonus* stipulated to be paid by the Union Bank of the State of Tennessee, and all the profits which may arise from the stock of said Bank owned by the State, after the Bonds of the State shall have been paid; the *bonus* agreed to be paid by the Planters' Bank, the Farmers and Merchants' Bank of Memphis, and by the Tennessee Marine and Fire Insurance Company; have been all in like manner appropriated for the benefit of common schools.

"The Farmers and Merchants' Bank of Memphis, has not yet been organized and put into operation.

"Your Committee have no means of ascertaining and reporting the amount which will probably accrue to the State from the Tennessee Marine and Fire Insurance Company, the *bonus* being contingent, that is to say, five per cent is stipulated to be paid upon the nett annual profits made by the company; but no *bonus* is to be paid in any year, when the nett profits of *that* year shall be less than ten per cent. It is, however, believed to be probable by your Committee, that if said Company should continue, and be successful in business, the State, for the use of common schools, may realize from this source a considerable sum.

"Your Committee submit the following estimates, which they believe will show the probable amount that may reasonably be expected to accrue and be realized from the Union and Planters' Banks, at and by the time when their charters will expire—say, first of January, 1863.

UNION BANK.

"*Bonus.*—One half of one per cent, upon two millions of stock, will, in twenty-seven years, amount to $270,000.

"*Dividends.*—Dividends on five hundred thousand dollars of stock

owned by the State, at eight per cent. per annum, will be - -	$40 000
Deduct annual interest on State Bonds - - - - - - - -	25 000
	$15 000

"This sum of fifteen thousand dollars per year, for thirty years, will amount to the sum of $450,000, which added to the sum of $270,000 for bonus, will give the sum of $720,000.

The foregoing estimates, which are made according to the construction given to the Charter by the Board of Directors, may be too large, but your Committee have supposed that the whole amount of stock subscribed and owned by individuals will be paid in, in the course of three years, from the time the Bank commenced business; and that the dividends will average eight per centum per annum, that being about the present rate of nett profits as nearly as your Committee can ascertain the same. To estimate the profits and dividends according to the construction given by the late General Assembly to the Charter, the amount, as your Committee believe, would greatly exceed that presented by the above calculations.

PLANTERS' BANK.

"*Bonus.*—One half of one per centum, upon two millions of stock, will amount in twenty-seven years to $270,000.

"The bonus has been calculated for twenty-seven years, because the Charter requires that the bonus shall be paid upon that amount, at the expiration of three years from the time the Bank commenced business, whether the whole amount of stock shall have been paid in or not. The sum thus to be derived from the Planters' Bank when added to the sum which it is estimated may be derived from the Union Bank, gives the sum of nine hundred and ninety thousand dollars, all of which your Committee believe, may, and will be hereafter realized.

"The Common School funds which have heretofore by law, been apportioned among the different counties of this State, so far as your Committee have been able to ascertain, are under the control and management of a Board of School Commissioners in each. The Commissioners for the several counties of Carroll, Henderson, Madison, Maury, Shelby, Sumner and Williamson have subscribed for stock in the Union Bank of the State of Tennessee, in different sums and proportions, but making in the aggregate, three hundred and forty-seven shares, upon which they have paid, in the aggregate, the sum of nineteen thousand, six hundred and fifty dollars.

"The portion of said funds allotted by law to the counties of Davidson, Rutherford and Bedford, has by authority of law, been vested in stock in the Nashville, Murfreesborough and Shelbyville Turnpike Company.

"The portions allotted to all the other counties throughout the State, your Committee believe, has generally been loaned to individuals upon personal security and bearing interest; and as your Committee believe, is at the present time well secured; but under such a system, they believe the final safety and security of the same, to be doubtful and precarious, and that unless a different system is adopted the greater part of said funds will ultimately be squandered and lost.

"After having examined the subject with all the care and attention, which your Committee have been able to bestow upon it, they have come to the conclusion, that the only practicable way to secure all the Common School funds and resources now appropriated by law in the State, or which may hereafter be appropriated, and to render the same perpetual, will be to place the entire funds and resources under the general superintendence and care of some responsible and vigilant officer of the State, or of a responsible board of commissioners, who shall have a controlling authority over the said funds and resources, and see that they are always secured whenever placed out at interest, and with power to withdraw the same, or any portion of the same, when not adequately secured, and to see the same revested in some other profitable manner by loan or otherwise; and that such officer or board of commissioners, shall make a detailed report on oath, to each regular session of the General Assembly, of the true condition and situation of said funds.

"From a document drawn up with great care and labor by the French Government, and recently published, it appears that in Russia, only one child is educated out of every three hundred and sixty-seven inhabitants—in Portugal, one in eighty-eight—in Poland, one in seventy-eight—in France, one in twenty—in England, one in eleven—in Bavaria, one in ten—in Prussia, one in six—and in the United States, one in four.

"Your Committee have taken leave to quote the above facts, as bearing flattering testimony to the rapid advances which the cause of universal education has already made in these States, leaving far in the rear (in this respect) the oldest and best regulated governments in the old world. It is believed, however, that even this estimate, favorable as it is to the United States, when contrasted with the condition of other highly favored countries, does not do justice to the progress which the cause of education has made in some of the States. It has been made in reference to the entire population of the country, without making any allowance for the slave population of the south and west—a population from whom the benefits of education has been purposely withheld in the States in which it abounds.

"To the enlightened body, to whom this report is submitted, who agree unanimously, that education—and especially a system of common school education—should be fostered and protected by the parental care of the Government, and who with one voice will agree with your Committee, that universal education constitutes the surest pledge for the perpetuity of our liberties, it might perhaps be deemed an act of sepererogation on their part, to submit any remarks of their own, by way of argument, to the attention and consideration of the Convention.—Living in a country where the people are ardently devoted to civil liberty—rich in intellectual resources, and where they are noble and generous in all their public and private enterprizes; where the highest gems of genius are as often found in the humblest cottage as in the abodes of wealth and splendor, and where it is acknowledged as a universal truth, that intelligence—that moral intelligence which education alone can impart—is the palladium of freedom and the 'ark of safety' of the union of the States—your Committee cannot forbear the present opportunity of felicitating the people of Tennessee upon the prospective benefits and blessings to the present and future generations, which they anticipate as the almost certain result of the measures which they are about to recommend to the favorable consideration of the Convention, and which they hope to see matured, improved and adopted.

"Influenced by these views and hopes, your Committee recommend that the following provision, to be amended as the wisdom of the Convention may dictate, be incorporated in the Constitution.

1. "Knowledge, learning and virtue being essential to the preservation of republican institutions, and diffusing the opportunities and

advantages of education throughout the different portions of the State, being highly conducive to the promotion of this end, it shall be the duty of the General Assembly in all future periods of this government, to cherish the interests of literature and science, to encourage all seminaries of learning, and all public and private schools. And the Fund called the *Common School Fund*, and all the lands and proceeds thereof, dividends, stocks, and other property of every description whatever, heretofore by law appropriated by the General Assembly of this State for the use of Common Schools, except what has been legally appropriated otherwise to Colleges, and all such as shall hereafter be appropriated, shall remain a *perpetual fund*, the principal of which shall never be diminished by legislative appropriation, and the interest whereof shall be inviolably appropriated to the support and encouragement of Public and Common Schools throughout the State, and for the equal benefit of all the people thereof; and no law shall be made authorizing said fund, or any part thereof, to be diverted to any other use than the support and encouragement of Public and Common Schools. And it shall be the duty of the General Assembly to appoint some officer of this State, or some one board of commissioners, who shall have the general superintendence and care of such fund, under such rules, regulations and restrictions as may be required by law."

2. "The above provisions shall not be construed to prevent the legislature from carrying into effect any laws that have been passed in favor of the Colleges or Universities, or from authorizing heirs or distributees to receive and enjoy escheated property, under such rules and regulations as from time to time may be prescribed by law."

3. "The General Assembly shall hereafter, appropriate   per cent. of the annual nett revenue of the State, until the year one thousand eight hundred and sixty-three, to the support and encouragement of Public and Common Schools.

"All of which is respectfully submitted,

WILLIAM LEDBETTER, Chairman."

Mr **Mabry** moved to strike from the foregoing report, the following; to wit:

"Also the taxes arising from licenses authorized to be issued by the act of one thousand eight hundred and thirty one, to persons permitted to retail spirituous liquors."

Mr **Burton** moved to lay the report on the table until Monday next; which motion prevailed.

Mr **Ledbetter** moved a reconsideration of the vote, adopting the resolution of Mr **Nelson**, of the twenty-fifth instant, providing for the appointment of a Committee after the basis of representation is finally settled, &c.—which motion prevailing, the said resolution was taken up and read.

Mr **Sharp** moved to strike therefrom the words, "One from each senatorial district," for the purpose of inserting the words "two from each congressional district."

Mr. **Senter** moved a division; which motion prevailing, the question was thereupon had on striking out, and decided in the negative.

Mr. **Burton** then moved to strike from said resolution the words "so soon as the basis of representation is finally settled;" which motion was decided in the affirmative.

The resolution was thereupon read as amended and adopted.

The President appointed Messrs. Nelson, John A. M'Kinney, Robert J. M'Kinney, Garrett, Roadman, Whitson, Senter, Smartt, Allen, Douglass, Porter, Cobbs, Webster, Childress, Cheatham, Gordon, Purdy, Marr, Huntsman and Robertson, the said Committee.

Mr. **Stephenson** submitted the following resolution, at the request of Mr. **Greene**, who is absent from indisposition; to wit:

Resolved, That new counties may be laid off by the Legislature, to consist of not less than four hundred square miles; but no such new county to approach the court house of an old county or counties nearer than twelve and one half miles, or reduce the size of the older county or counties to less than six hundred and twenty-five square miles, except a memorial be presented to the Legislature with not less than eight hundred signers, who are qualified voters and actual residents within the limits intended for said new county, setting forth a special grievance under which they labor, either by being separated from their court house by impassable rivers or unreasonable distance. And no part of an old county or counties shall be taken off to form a part of a new one without the consent of a majority of the qualified voters of such part of the old county or counties.

The Convention then proceeded to the consideration of the second article of the Constitution as reported by the Committee of the Whole.

And thereupon the first, second, third, fourth, fifth, sixth, seventh and eighth sections thereof were severally read and concurred with.

The ninth section of the same article being read,

Mr. **Fogg** moved to amend by striking from the fourth line thereof the words "the Legislature," and inserting in lieu thereof the word "they," and by striking therefrom the words "by the Governor," at the end of said section; which motion prevailing, the amendments were thereupon made.

Mr. **Webster** moved further to amend the said section by adding thereto the following:

"And such other business of a public or general nature, as the Governor may submit to them by message."

And thereupon the question was had, "will the Convention adopt the amendment?" and determined in the negative; ayes 14, noes 43.

The ayes and noes being demanded by Mr. **Webster**,

The affirmative voters are,

Messrs. Bradshaw, Cahal, Cross, Fulton, Gillespy, Gordon, Hill, Kincannon, Kincaid, Robertson, Sharp, Ury, Whitson and Webster; 14.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Douglass, Fogg, Garrett, Gray, Hodges, Huntsman, Humphreys, Kelly, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. M'Kinney, Mabry, McGaughey, Montgomery, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Scott, Walton, White and Weakley; 43.

The said ninth section was thereupon read and concurred with.

The tenth and eleventh sections were next read and concurred with.

The twelfth section being read,

Mr. **Huntsman** offered the following amendment thereto:

"*Provided*, that if either the Speaker of the Senate or Speaker of the House of Representatives, shall be called to exercise the office of Governor, then his office as a member of the General Assembly, shall be vacated."

And the sense of the Convention being thereon had, the said amendment was rejected.

The said twelfth section was again read and adopted.

The thirteenth, fourteenth, fifteenth, sixteenth and seventeenth sections were severally read and concurred with.

The first section of the third article was next read.

Mr. **Weakley** moved to amend by inserting the word "white" after the word "free" in the first line of said section, and thereupon the question was had and determined in the affirmative; ayes 33, nes 23.

The ayes and noes being demanded by Mr. **Huntsman**,

The affirmative voters are,

Messrs. President (Carter), Alexander, Bradshaw, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gordon, Hodges, Huntsman, Humphreys, Kendall, Kimbrough, Ledbetter, Loving, McClellan, John A. McKinney, Marr, Nelson, Porter, Purdy, Ridley, Senter, Sharp, Whitson and Weakley; 33.

The negative voters are,

Messrs. Allen, Armstrong, Gillespy, Gray, Hill, Kelly, Kincannon, Kincaid, Robert J. McKinney, Mabry, McGaughey, Montgomery, Neil, Roadman, Richardson, Robertson, Stephenson, Smith, Smartt, Scott, Walton, White and Webster; 23.

Mr. **John A. McKinney** moved to amend the said first section by inserting the following after the word "reside" in the fifth line thereof; to wit:

"*Provided*, that no person shall be disqualified from voting in any election in this State, on account of color, who is now by the existing laws of this State, a competent witness in a court of justice against a white man."

And the question thereon being had, the foregoing amendment was received.

Mr. **Scott** moved further to amend the said section by inserting after the word "upwards" in the first line thereof, the following; to wit: "and every white man subject to military duty," and thereupon the question was had and determined in the negative; ayes 20, noes 37.

The ayes and noes being demanded by Mr. MABRY,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Alexander, Cross, Fulton, Gillespy, Hodges, Hill, Humphreys, Kincaid, McClellan, Mabry, McGaughey, Neil, Richardson, Smith, Smartt, Sharp, Scott and Whitson; 20.

The negative voters are,

Messrs. Allen, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Douglass, Fogg, Garrett, Gray, Gordon, Huntsman, Kelly, Kincannon, Kendall, Ledbetter, Loving, Robert J. McKinney, John A. McKinney, Montgomery, Marr, Nelson, Porter, Purdy, Roadman, Ridley, Robertson, Stephenson, Senter, Ury, Walton, White, Webster and Weakley; 37.

Mr. NELSON offered the following additional amendment to the said first section; to wit: "provided that all free men of color in this State, shall be exempted from militia duty in times of peace," and the said amendment was received.

Mr. CAHAL moved to strike from the fourth line of the said section the words "for Governor, members to Congress, and shall be entitled to vote" which motion prevailed.

Mr. STEPHENSON moved further to amend the said section by adding thereto the following:

"Provided that no free man who is now a resident of this State and who has heretofore exercised the right of voting, shall hereafter be debarred from that privilege."

And the question, "will the Convention adopt the amendment" being thereon had it was determined in the negative; ayes 22, noes 34.

The ayes and noes being demanded by Mr. McCLELLAN,

The affirmative voters are,

Messrs. Allen, Armstrong, Cobbs, Gillespy, Gray, Hill, Kelly, Kincannon, Kincaid, Robert J. McKinney, McGaughey, Montgomery, Neil, Roadman, Richardson, Ridley, Robertson, Stephenson, Smith, Smartt, Scott and Webster; 22.

The negative voters are,

Messrs. Alexander, Bradshaw, Blount, Cannon, Childress, Cahal, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gordon, Hodges, Huntsman, Humphreys, Kendall, Kimbrough, Ledbetter, Loving, McClellan, John A. McKinney, Mabry, Marr, Nelson, Porter, Purdy, Senter, Sharp, Ury, Whitson, Walton, White and Weakley; 34.

Mr. ROBERTSON moved further to amend said section, by adding thereto the following: "And that they shall also be exempt from paying a free poll tax;" which motion prevailed.

On motion of Mr. PURDY, the words "or district" were inserted after the word "county" in the fifth line of the said section.

Mr. CAHAL offered the following as an additional amendment; to wit: "and provided also that no person shall be entitled to vote except at a precinct election established in the district in which he shall reside"; and the question thereon being had, the said amendment was rejected.

Mr. ARMSTRONG moved to amend by striking from the second line of said section the word "of" for the purpose of inserting the words "any one"; which motion was rejected.

The said first section was thereupon read as amended, and adopted.

The second section of the said third article being read, Mr. WALTON moved to strike from the second line thereof the words "or summons"; and thereupon the question was had and determined in the negative; ayes 13, noes 44.

The ayes and noes being demanded by Mr. MABRY,

The affirmative voters are,

Messrs. Allen, Childress, Cheatham, Cross, Douglass, Fulton, Huntsman, Ledbetter, Porter, Robertson, Smartt, Ury and Walton; 13.

The negative voters are,

Messrs. Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Cahal, Cobbs, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Humphreys, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Sharp, Scott, Whitson, White, Webster and Weakley; 44.

Mr. CAHAL moved a reconsideration of the foregoing vote upon striking out the words "or summons", and thereupon the question was submitted, "will the Convention reconsider?" and determined in the negative; ayes 20, noes 37.

The ayes and noes being demanded by Mr. MABRY,

Those who voted in the affirmative are,

Messrs. Allen, Burton, Cannon, Childress, Cahal, Cheatham, Cross, Douglass, Fulton, Fogg, Gillespy, Huntsman, Kincannon, Ledbetter, Loving, Porter, Robertson, Smartt, Ury and Walton; 20.

Those who voted in the negative are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Blount, Cobbs, Garrett, Gray, Gordon, Hodges, Hill, Humphreys, Kelly, Kincaid, Kimbrough, McClellan, Robert J. McKin[illegible], John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Richardson, Ridley, Stevenson, Senter, Smith, Sharp, Scott, Whitson, White, Webster and Weakley; 37.

The said second section was thereupon read and adopted without amendment.

The third section of said article being read,

Mr. ROBERTSON submitted the following in lieu thereof, to wit:

"In all elections to be made by the General Assembly, the members thereof shall vote *viva voce*, and their votes shall be entered on the journals. All other elections shall be by ballot."

And thereupon the question was had and determined in the affirmative; ayes 31, noes 26.

The ayes and noes being demanded by Mr. CROSS,

The affirmative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fogg, Gray, Gordon, Kelly, Loving, Robert J. McKinney, McGaughey, Montgomery, Marr, Neil, Porter, Purdy, Robertson, Stephenson, Scott, Whitson, Walton, White and Weakley; 31.

The negative voters are,

Messrs. President (Carter), Armstrong, Fulton, Garrett, Gillespy, Hodges, Hill, Huntsman, Humphreys, Kincannon, Kincaid, Kimbrough, Ledbetter, McClellan, John A. McKinney, Mabry, Nelson, Roadman, Richardson, Ridley, Senter, Smith, Smartt, Sharp, Ury and Webster; 26.

And then the Convention adjourned.

FRIDAY, August 1, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. **KIMBROUGH** of the Baptist Church.

Mr. **ALEXANDER** submitted the following:

Resolved, That the new Constitution, after its adoption by this Convention, shall be submitted to the people for their ratification or rejection.

And Mr. **MCCLELLAN** the following:

Resolved, That the Constitution be so amended, that all elections by the people shall be by ballot, until the end of the General Assembly which shall sit in the year 1838. And the said General Assembly shall settle the principle of voting either by ballot or *viva voce*, according to what they may believe to be the wish of a majority of the people of this State. And when so settled it shall be final.

Mr. **JOHN A. MCKINNEY** submitted the following:

Resolved, That in the election of all county officers, to be elected by the people, the officers so to be elected shall have a majority of all the votes polled at the election of such officers.

And the rule being suspended the said resolution was, at the instance of Mr. John A. M'Kinney, ordered to the table.

Mr. **MONTGOMERY**, through Mr Kincannon, asked and obtained leave of absence for a few days.

On motion of Mr. **MABRY**, the Hon. John Bell was invited and conducted to a chair within the bar of the Convention.

The Convention resumed the consideration of the report of the Committee of the Whole.

The fourth section of the ninth article being read,

Mr. **ARMSTRONG** moved to strike from the fourth line of said section, the words "six hundred and twenty-five" for the purpose of inserting the words "five hundred"; and thereupon the question was had and determined in the negative; ayes 24, noes 33.

The ayes and noes being demanded by Mr. **ARMSTRONG**,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Cannon, Chil dress, Cahal, Garrett, Gray, Gordon, Hodges, Kincaid, Kimbrough, McClellan, Mabry, McGaughey, Nelson, Richardson, Ridley, Senter, Smith, Ury, Whitson, Walton and Webster; 24.

The negative voters are,

Messrs. Allen, Alexander, Burton, Blount, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Gillespy, Hill, Huntsman, Humphreys, Kelly, Kincannon, Kendall, Ledbetter, Loving, Robert J. McKinney, John A. McKinney, Marr, Neil, Porter, Purdy, Roadman, Robertson, Stephenson, Smartt, Sharp, Scott, White and Weakley; 33.

Mr. Smith moved to take up the resolution submitted by him on the 28th July, on the subject of new counties; which motion prevailing, the said resolution was thereupon taken up and read, and as amendatory of the said fourth section, Mr. Smith offered that part thereof which provides "That new counties may be established by the Legislature, to consist of three hundred and fifty square miles," provided such new coun-contain eight hundred inhabitants, and that the content of no older county or counties shall be reduced below five hundred square miles."

Mr. Fulton moved to strike out eight hundred and insert one thousand, which motion was rejected.

Mr. McGaughey moved a division, which motion prevailing, the question was had upon the adoption of that part of Mr. Smith's amendment, which provides that "new counties may be established, consisting of three hundred and fifty square miles, provided they contain eight hundred free taxable inhabitants," and determined in the affirmative; ayes 46, noes 10.

The ayes and noes being demanded by Mr. Smith,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Burton, Cannon, Cahal, Cheatham, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, John A. McKinney, Mabry, McGaughey, Marr, Neil, Nelson, Porter, Roadman, Richardson, Ridley, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton, White, Webster and Weakley; 46.

The negative voters are

Messrs. Alexander, Blount, Childress, Cobbs, Cross, Kendall, Purdy, Robertson, Stephenson and Scott; 10.

Mr. Childress submitted the following as an additional amendment to said section; (to wit:)

"*Resolved*, That in all cases where a new county shall be laid off, the citizens residing therein shall have a survey made of said new county, and of the old counties from which said new county may be taken, so that it shall appear that no one of said counties shall be smaller than their constitutional limits; which survey shall be made by a county surveyor or some other acting under oath, which, when made, shall be filed in the office of Secretary of State."

And the question, "will the Convention adopt the resolution," being had, it was determined in the negative.

Mr. **Stephenson** called up and offered as an amendment in lieu of said fourth section, Mr. Greene's resolution of yesterday, which was also read and rejected.

The report of the select committee on new counties, made on Thursday, the 24th July, was on motion of Mr. Webster, taken up and read.

Mr. **Webster** offered the following in lieu of that part of said report relating to Bedford county, and as an additional amendment to the said fourth section, (to wit:)

"And *provided further*, that the county of Bedford shall be an exception to the general rule herein contained, and may be reduced below the present constitutional limits of old counties; but no new county line shall run nearer than eleven and one half miles of the seat of justice of said county."

And thereupon the question was had and determined in the affirmative; ayes 45, noes 12.

The ayes and noes being demanded Mr. **Webster**,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Barton, Blount, Cahal, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Senter, Smith, Smartt, Sharp, Whitson, Walton, Webster and Weakley; 45.

The negative voters are,

Messrs. Allen, Cannon, Childress, Douglass, Humphreys, Loving, Mabry, Robertson, Stephenson, Scott, Ury and White; 12.

Mr. **Walton** submitted the following amendment to the said report of the select committee; to wit:

Resolved, That the county of Smith be made an exception to the general provisions adopted by the Convention in relation to new counties, and that said county may be reduced by the Legislature, for the purpose of laying off a new one, to four hundred square miles.

Mr. **Allen** moved to amend the foregoing amendment by adding,

"And *provided further*, that all other counties in this State shall be exempted from the said general provisions."

On motion of Mr. **Hodges**, the said amendments were ordered to the table.

Mr. **Cahal** moved to strike from the third line of the said fourth section, the words "and one half" which was rejected.

Mr. **McClellan** moved that the county of Sullivan be exempted from the general provisions.

Mr. **Loving** moved that the counties of Dyer and Tipton, be also made exceptions to the said general provisions.

And the question being had upon the said propositions, severally, they were determined in the affirmative.

The question then recurred upon a concurrence with the said report as amended.

Mr. JOHN A. MCKINNEY moved a division, so that the sense of the Convention might be tested upon each proposition separately, which motion prevailing, the question was thereupon had upon a concurrence with that part of said report exempting the counties of Carter, Rhea, Humphreys, Sullivan, Dyer and Tipton, and determined in the affirmative.

Mr. CANNON moved further to amend the said report by adding "that the county of Williamson be also exempted from the general provisions."

But before the question was had thereon, the Convention adjourned.

SATURDAY, August 2, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. KIMBROUGH of the Baptist Church.

The business of the morning being through,

Mr. GARRETT asked to be discharged from the committee appointed to lay off the Senatorial and Representative districts: which request was granted.

On motion of Mr. BURTON, it was ordered that Mr. GILLESPY be added to the said Committee.

Mr. ROBERTSON submitted the following:

"Whereas, under the new Constitution, the *free men of color* will not be entitled to exercise the right of suffrage, therefore

"*Resolved*, That in apportioning the Senators and Representatives among the different counties in proportion to the number of qualified voters in each, according to the provisions of the new constitution, the *free colored population*, be not taken into the estimate, and that the committee on this subject be instructed accordingly."

Mr. GRAY moved to add Mr. MONTGOMERY to the committee on Representative and Senatorial districts, which motion was rejected.

The Convention resumed the consideration of the report of the select committee on new counties, and the fourth section of the ninth article of the Constitution as reported by the Committee of the Whole.

The proposition of Mr CANNON, "to exempt the County of Williamson from the general provisions of the said report and the fourth section," which was under consideration at the adjournment on last evening, was taken up and read, and thereupon the question was had "will the Convention adopt the amendment?" and determined in the negative; ayes 23, noes 32.

The ayes and noes being demanded by Mr KINCAID,

The affirmative voters are,

Messrs. Alexander, Blount, Cannon, Childress, Cahal, Cheatham, Garrett, Gillespy, Gordon, Hill, Kincannon, Ledbetter, Loving, McClellan, Purdy, Richardson, Ridley, Smith, Sharp, Whitson, Walton, Webster and Weakley; 23.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Burton, Cobbs, Cross, Douglass, Gray, Hodges, Huntsman, Humphreys, Kelly, Kincaid, Kendall, Kimbrough, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Nelson, Porter, Roadman, Robertson, Stephenson, Senter, Smartt, Scott, Ury and White; 32.

Mr Allen thereupon offered the following:

"*Provided* that all that part of Smith county which lies north of a direct east and west line, to be run across the county from a point that will leave the present court house fifteen miles south of any part thereof, may of itself or in conjunction with the territory of other adjoining counties, be formed into a separate county. Also all that part of Smith county which lies south of a direct east and west line, to be run across the county from a point that will leave the present court house fifteen miles north of any part thereof, may of itself or in conjunction with the territory of other counties be formed into a separate county, in such manner as the Legislature may hereafter direct; whenever it shall be made appear that a majority of the taxable inhabitants within the bounds intended to be separated consent thereto."

Mr Burton offered the following in lieu of the foregoing; to wit:

"*Provided* that the excess of territory above six hundred and twenty five square miles, if any there shall be, in the counties of Smith, Wilson and Warren, shall be taken from the south ends of Smith and Wilson, and the north end of Warren, said new county to consist of not less than three hundred and fifty square miles: and *provided further*, that in laying off said new county, it shall not approach the court house of any old county nearer than twelve and a half miles."

Mr Kimbrough moved to lay the foregoing amendments and the report of the Committee on the table, which motion failing, the question was had on the adoption of Mr Burton's amendment, and determined in the negative; ayes 3, noes 54.

The ayes and noes being demanded by Mr Burton,

The affirmative voters are;

Messrs. Burton, Cannon and Douglass; 3.

The negative voters are,

Messrs President (Carter), Allen, Armstrong, Alexander, Bradshaw, Blount, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 54.

Mr Mabry then offered the following in lieu of the said fourth section, and in lieu of Mr Allen's amendment; to wit:

"New counties may be established by the Legislature, to consist of not less than three hundred and fifty square miles; the old counties shall in no case be reduced below six hundred and twenty five square miles; nor shall the present county seats be removed from their respective places as now located and established. Nor shall any new county be laid off and established with less contents than six hundred and twenty-five square miles, unless such new county shall contain eight hundred qualified voters. Nor without the concurrent vote of two thirds of such qualified voters."

And thereupon the question was submitted, "will the Convention adopt the amendment?" and determined in the negative; ayes 3, noes 54.

The ayes and noes being demanded by Mr Mabry,

The affirmative voters are,

Messrs. Hodges, Mabry and Robertson; 3.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 54.

Mr Childress thereupon submitted the following, in lieu of the said fourth section, and in lieu of Mr Allen's amendment; to wit:

"New counties may be established by the Legislature, to consist of no less than three hundred and fifty square miles, containing a population of eight hundred qualified voters, and such new county shall not approach the court-house of an old county or counties nearer than twelve miles, or reduce such older county or counties to less than five hundred and twenty-five square miles, except the special exceptions of Carter, Humphreys and Rhea. No part of an old county or counties shall be taken off to form part of a new one without the consent of a majority of the qualified voters of such part of the old county or counties so stricken off. And *provided further*, that in no case shall the county seat be removed, in consequence of said alterations or on any other account, without the consent of two thirds of the members of both Houses of the Legislature."

Mr McClellan moved to strike from the foregoing amendment the words "twelve miles" and insert in lieu thereof the words "ten miles," which motion failing, the question upon the adoption of Mr Childress's amendment, was thereupon had and determined in the negative; ayes 24, noes 32.

The ayes and noes being demanded by Mr Childress,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Cannon, Childress, Cahal, Garrett, Gray, Gordon, Huntsman, Kincaid, Kimbrough, Ledbetter, McClellan, Nelson, Roadman, Richardson, Ridley, Senter, Smith, Ury, Walton and Webster; 24.

The negative voters are,

Messrs. Allen, Burton, Blount, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Gillespy, Hodges, Hill, Humphreys, Kelly, Kincannon, Kendall, Loving, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Porter, Robertson, Stephenson, Smartt, Sharp, Scott, Whitson, White and Weakley; 32.

The question then recurred upon the adoption of Mr Allen's amendment and being thereon had, it was determined in the affirmative.

Whereupon Mr **Huntsman** submitted the following, in lieu of the said fourth section as amended to wit:

"New counties may be established by the Legislature, to consist of not less than three hundred and fifty square miles, and shall contain a population of hundred qualified voters. Such new county line shall not approach the court house of any old county from which it may be taken, nearer than twelve miles, except in the special cases provided for in regard to the counties of Carter, Rhea, Humphreys, Tipton and Dyer. No part of an old county shall be taken off to form a new one, or a part thereof, without the consent of a majority of the qualified voters in such part taken off. And in all cases where an old county may be reduced for the purpose of forming a new one, the seat of justice in said old county shall not be removed without the concurrence of two thirds of both branches of the Legislature; nor shall such old county be reduced to less than five hundred and fifty square miles."

Mr **Walton** moved an adjournment which was determined the negative; ayes 18, noes 39.

The ayes and noes being demanded by Mr **Humphreys**,

The affirmative voters are,

Messrs. Armstrong, Alexander, Blount, Childress, Cahal, Cobbs, Douglass, Fulton, Fogg, Garrett, Gillespy, Kincannon, Loving, Marr, Roadman, Smith, Walton and Weakley; 18.

The negative voters are,

Messrs. President (Carter), Allen, Bradshaw, Burton, Cannon, Cheatham, Cross, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Porter, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Ury, Whitson, White and Webster; 39.

The question then recurred upon the adoption of Mr Huntsman's amendment, and being thereon had, it was determined in the affirmative; ayes 29, noes 27.

The ayes and noes being demanded by Mr **Huntsman**,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Cannon, Childress, Cahal, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Hess, Kincaid, Ledbetter, Loving, McClellan, McGaughey, Nelson, Roadman, Richardson, Ridley, Senter, Smith, Ury, Whitson, Walton and Webster; 29.

The negative voters are,

Messrs. Allen, Burton, Blount, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Hill, Humphreys, Kelly, Kincannon, Kendall, Robert J. McKinney, John A. McKinney, Mabry, Marr, Neil, Porter, Robertson, Stephenson, Smartt, Sharp, Scott, White and Weakley; 27.

And thereupon the Convention adjourned.

MONDAY, August 4, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Reverend Mr HESS, of the Cumberland Presbyterian Church.

The business of the morning being through:

The Convention resumed the consideration of the fourth section of the ninth article: in lieu of which Mr MABRY offered the following; to wit:

"New counties may be established by the Legislature, to consist of not less than three hundred and seventy-five square miles. The old counties shall in no case be reduced below five hundred square miles; nor shall the old county seat or seats of justice be removed, in consequence of forming of new counties, as they are now established; nor shall the lines of any new county run within less than ten miles of the old county seats; nor shall the Legislature establish any new county with a less number of qualified voters than eight hundred; nor shall any new county be established without the concurrent vote of two-thirds of the qualified voters of said new county."

Mr HUNTSMAN moved to lay the fourth section of the ninth article, together with the amendments proposed thereto, on the table; which motion prevailed.

The Convention then returned to the consideration of the third section of the third article.

Mr ROBERTSON moved a concurrence with the third section as amended by him:

Mr CAHAL moved a division of the question; which motion was rejected:

The third section was thereupon read, as amended; and the question "will the Convention adopt the said section?" being had, it was determined in the affirmative; ayes 30, noes 22.

The ayes and noes being demanded by Mr JOHN A. MCKINNEY,

The affirmative voters are,

Messrs. Allen, Bradshaw, Burton, Blount, Cannon, Cobbs, Cheatham, Cross, Douglass, Fogg, Gray, Gordon, Huntsman, Hess, Kelly, Kendall, Ledbetter, Loving, Robert J. McKinney, McGaughey, Neal, Porter, Purdy, Robertson, Stephenson, Scott, Ury, Whitson, Walton and White; 30.

The negative voters are,

Messrs. President (Carter), Armstrong, Cahal, Fulton, Garrett, Gillespy, Hodges, Hill, Humphreys, Kincaid, Kimbrough, McClellan, John A. McKinney, Mabry, Nelson, Roadman, Richardson, Senter, Smartt, Sharp, Webster and Weakley; 22.

The Convention then proceeded to the consideration of the fourth article; and the first section being read, was concurred with.

The second section was next read.

Whereupon Mr BURTON moved to strike out said second section; and the question being had on striking out, it was determined in the affirmative; ayes 32, noes 22.

The ayes and noes being demanded by Mr **Huntsman**,

The affirmative voters are,

Messrs. Allen, Bradshaw, Burton, Blount, Cannon, Cahal, Cheatham, Fulton, Fogg, Garrett, Gray, Gordon, Hodges, Kincaid, Kendall, Kimbrough, Loving, McClellan, Robert J. McKinney, Mabry, McGaughey, Marr, Neil, Porter, Purdy, Stephenson, Smartt, Sharp, Scott, Ury, Whitson and White; 32.

The negative voters are,

Messrs. President (Carter), Armstrong, Childress, Cobbs, Cross. Douglass, Gillespy, Hill, Huntsman, Humphreys, Hess, Kelly, Ledbetter, John A. McKinney, Nelson, Roadman, Richardson, Ridley, Senter, Walton, Webster and Weakley; 22.

Mr **Gordon** submitted the following, in lieu of the said second section; to wit:

"The House of Representatives shall elect from their own body not exceeding members, whose duty it shall be to prosecute such impeachments; but no impeachment shall be tried until the Legislature shall have disposed of the legislative business for which they were assembled, when the two Houses as a legislative body shall adjourn *sine die*, leaving the Senate as a Court of Impeachment to try, and the managers on the part of the House to prosecute, such impeachment."

In lieu of which Mr **Ridley** submitted the following; to wit:

"All impeachments shall be tried before a Court provided specially by law for that purpose."

And the question being had on receiving said amendment, it was determined in the negative.

Mr **Gray** then offered the following as amendatory of Mr Gordon's amendment; to wit:

"All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the Senators present."

Which was accepted by Mr **Gordon**.

Mr **Burton** moved to fill the blank with the word "three"; which motion prevailed.

Mr **Webster** moved to strike out the word "present", and insert the words "sworn to try the officer so impeached"; and the question being had on striking out and inserting, it was determined in the affirmative.

The question was then had upon the adoption of said amendment, as amended, and determined in the affirmative.

The question then recurred upon the concurrence with the report of the Committee, as amended, on the second section of the fourth article; and was determined in the affirmative.

The third section of the fourth article being read,

Mr **Gray** moved to strike out the words "judges of the supreme court judges of the circuit court, chancellors", and to insert "judges of the respective courts of law and equity"; and the question being had thereon, it was determined in the affirmative.

Mr **Cannon** moved to strike out of said section the word "accept", and insert the word "fill"; and the question being had thereon, it was determined in the affirmative.

The said third section, as amended, was thereupon read and concurred with.

The fourth section being read,

Mr **John A. McKinney** moved to insert, after the first word "all", the words "justices of the peace and"; and the question being had thereon, it was determined in the affirmative.

The said fourth section, as amended, was thereupon read and concurred with.

The first section of the fifth article being read,

Mr **Fogg** offered the following amendment; to wit:

The judicial power of this State shall be vested in a supreme court, and in such inferior courts as the Legislature shall, from time to time, ordain and establish."

Mr **White** moved to amend the foregoing amendment, by striking out the word "a" before the words "supreme court", and insert the word "one"; which motion prevailed.

The question was then had on Mr Fogg's amendment, as amended; and the same was adopted.

Mr **Cannon** offered the following, in lieu of the first section of said article; to wit:

"The Judicial power of this State shall be vested in such superior and inferior courts of law and equity as the Legislature shall, from time to time, direct and establish."

And the question being had on receiving said amendment, it was determined in the negative; ayes 20, noes 36.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. Allen, Burton, Cannon, Childress, Cahal, Cheatham, Douglass, Fulton, Fogg, Gillespy, Gordon, Huntsman, Kincaid, Loving, Porter, Richardson, Ridley, White, Webster and Weakley; 20.

The negative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Blount, Cobbs, Cross, Garrett, Gray, Hodges, Hill, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Ury, Whitson and Walton; 36.

Mr **Ledbetter** moved to strike out of said section the words "be elected from and"; and the question being had on striking out, it was determined in the affirmative; ayes 34, noes 22.

The ayes and noes being demanded by Mr **Hodges**,

The affirmative voters are,

Messrs. Allen, Armstrong, Burton, Cannon, Childress, Cahal, Cheatham, Cross, Fulton, Fogg, Gray, Gordon, Huntsman, Hess, Kelly, Kincaid, Kendall, Ledbetter, Loving, Robert J. M'Kinney, Montgomery, Marr, Nelson, Porter, Purdy, Richardson, Ridley, Smartt, Sharp, Scott, Ury, White, Webster and Weakley; 34.

The negative voters are,

Messrs. President (Carter), Bradshaw, Blount, Cobbs, Douglass, Garrett, Gillespy, Hodges, Hill, Humphreys, Kimbrough, McClellan, John A. M'Kinney, Mabry, McGaughey, Neil, Roadman, Robertson, Stephenson, Senter, Whitson and Walton; 22.

Mr **Burton** then moved to strike out of said section the words "one of whom shall reside"; and the question being had thereon, it was determined in the negative; ayes 13, noes 42.

The ayes and noes being demanded by Mr **Stephenson**,

The affirmative voters are,

Messrs. Allen, Burton, Cahal, Cheatham, Douglass, Fulton, Gordon, Kincaid, Montgomery, Robertson, Sharp, Ury and White; 13.

The negative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Blount, Cannon, Childress, Cobbs, Cross, Fogg, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smartt, Scott, Whitson, Walton, Webster and Weakley; 42.

Mr **Humphreys** moved to strike out of said section the following words, "except such jurisdiction other than appellate as said court has now by law"; and the question being had thereon, it was determined in the negative.

Mr **Cobbs** moved to strike out of said section the following words, "except such jurisdiction other than appellate as said court has now by law," and insert the words, "except such jurisdiction as may hereafter be given by law," and the question being had thereon, it was determined in the negative.

Mr **Kincaid** moved to strike out of said section the words, "as said court has now by law," and insert the words, "as is now conferred, by law on the present supreme court," and the question being had thereon, it was determined in the affirmative.

Mr **Cobbs** offered the following as a further amendment to the said first section to wit:

"After the year one thousand eight hundred and forty-four the legislature may in their discretion increase the number of Judges of the supreme court to five, but it shall always consist of an odd number, and a majority of the whole number be necessary to make a decision."

And the question being had thereon, it was determined in the negative; ayes 23, noes 33.

The ayes and noes being demanded by Mr **Huntsman**,

The affirmative voters are,

Messrs. Armstrong, Burton, Cannon, Childress, Cahal, Cobbs, Cheatham, Fulton, Fogg, Garrett, Gordon, Huntsman, Kincaid, Loving, Robert J. McKinney, Montgomery, Marr, Purdy, Ridley, Sharp, Ury, Walton and White; 23.

The negative voters are,

Messrs. President (Carter), Allen, Bradshaw, Blount, Cross, Douglass, Gillespy, Gray, Hodges, Hill, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, McClellan, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Porter, Roadman, Richardson, Robertson, Stephenson, Senter, Smartt, Scott, Whitson, Webster and Weakley; 33.

Mr Cahal offered the following in lieu of the said first section, to wit:

"The judicial power shall be vested in a supreme court of appeals in such inferior courts as the Legislature may from time to time ordain, and establish, and the Judges thereof, and in justices of the peace. The jurisdiction of their tribunals and of the Judges thereof shall be regulated by law."

And the question being had thereon, it was determined in the negative.

Mr Fulton moved to amend the said first section by adding the following words after the word "establish", to wit: "and in Judges thereof, and in Justices of the peace:" which amendment was accepted.

The said first section as amended was thereupon read and concurred with,

And thereupon the Convention adjourned.

Tuesday, August 5th, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Reverend Mr Hess of the Cumberland Presbyterian Church.

Mr Kincaid moved that the paper submitted by him heretofore, containing his reasons why he voted, that the Convention should not act upon the subject of emancipation: and also why he voted against the report of the select committee, of the nineteenth June, on that subject, because it contained sentiments he could not sanction, be taken up and considered; which motion prevailing, the said paper was accordingly taken up and read.

Mr Kincaid moved that it be entered on the Journals, and after some discussion had thereon:

Mr Gordon moved the previous question, which was not sustained.

The question was thereupon had, "shall the said protest be entered upon the Journal of the Convention," and determined in the affirmative; ayes 40, noes 14.

The ayes and noes being demanded by Mr John A. McKinney,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Burton, Blount, Cannon, Cahal, Cobbs, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hill, Hess, Kelly, Kimbrough, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Stephenson, Senter, Smartt, Sharp, Scott, Ury, Whitson, Walton, White and Webster; 40.

The negative voters are,

Messrs. Childress, Cheatham, Hodges, Huntsman, Humphreys, Kendall, Ledbetter, Loving, McClellan, John A. McKinney, Mabry, Ridley, Robertson and Weakley; 14.

Whereupon it was ordered, that the said protest be entered; which are in the words following; to wit:

"Upon the subject of emancipation, which was presented to the consideration of the Convention, by the memorials that were received from different sections of the country relative thereto; a resolution was introduced which proposed that a Committee be raised, to consist of thirteen members, to take the subject into consideration, and report to the Convention some plan or system, by which the emancipation of the slaves of Tennessee, could in future take place; and by which that description of our population, when thus emancipated, should be removed from the country and colonized. A motion was made to lay that resolution on the table until the first of January, by which time it was expected that a full expression of the Convention would be had, as to whether it would act upon the subject of emancipation or not; while the aforesaid resolution was before the Convention, the undersigned gave the reasons why he should vote for postponing the resolution to a day beyond the session, and why he believed the Convention should not act upon the subject of emancipation at all. By a vote of a large majority of the Convention, the resolution was laid on the table until the first of January; and thereupon a resolution was adopted raising a committee of three members to draft the reasons why the Convention would not act upon the subject, and make report thereof to the Convention, in order that the people of the State and the world, might be put in possession of those reasons.

The undersigned objects to some of the reasons adduced in the report of the committee as not being such as influenced his mind in determining him to vote as he did, that the Convention should not act upon the aforesaid subject. The most exceptionable part of the reasoning and conclusions contained in the report, in the opinion of the undersigned, he moved to strike out of it, whilst the report was before the Convention, before its adoption. The majority of the Convention refused to strike out the part proposed to be stricken out—and adopted the entire report. Not being able to get the exceptionable part of the report stricken out, he was therefore constrained to vote against it, hence he would briefly state the reasons which induced him to believe that the Convention should not act upon the subject of emancipation by adopting any provision in the Constitution, either as designating any particular principle upon which emancipation should hereafter take place, or as directory to the Legislature in future, requiring it to act upon the subject. And also he would examine some of the reasoning used and the *conclusions deduced* therefrom in that part of the report of the committee which the undersigned moved to have striken out.

The undersigned holds the opinion entertained by many others, perhaps a large majority of the *people* of the State of Tennessee, that slavery is a great moral and political evil, and that, at some period or other, a plan or system of emancipation will be adopted, whereby the evil will be removed from this country; yet he believes that the most of persons, who have reflected on the subject, look to a very distant day as the period when such an event will happen: and therefore, that any steps which might be taken on the subject by the Convention, would be premature; and what the public had not anticipated, and consequently would be calculated to produce great excitement with the people, and lead to a rejection of the amended Constitution.

Again; because he believes it would have been altogether inexpedient for the Convention, unadvised by the people, to exercise a power in this matter, when the Legislature; at any time that it would be desired *by* the people *themselves*, that a system of emancipation should be established, could exercise that power; and under these circumstances, if the slave holders were to receive compensation for their property and unite with all others in the adoption of a system whereby the evil would be removed from our country, the harmony of society would not be broken up.

This being a power then, that the people could exercise through the Legislature, under the present Constitution; the undersigned would not only be unwilling for the Convention to exercise it, by adopting a provision in the Constitution upon the subject; but he would be unwilling to abridge the power of the Legislature from acting in future upon the subject, whenever it might be desired by the people, by adopting any provision in the Constitution restricting that power. It is the wish of the undersigned to leave that subject in future, as heretofore, with the people and the Legislature.

The undersigned will now proceed to notice some of the reasoning contained in that part of the report, which he moved to have stricken out. The report says, "when the free man of color is oppressed by the proud, or circumvented by the cunning, or betrayed by those in whom he has reposed confidence, do the laws of the land afford him more than a nominal protection? Denied his oath in a court of justice, unable to call any of his own color to be witnesses, if the injury he complains of has been committed by a white man, how many of his wrongs must remain unredressed—how many of his rights be violated with impunity. How poor a boon does he receive in receiving freedom, if what he receives can be called by that name.

Unenviable as is the condition of the slave, unlovely as slavery is in all its aspects, *bitter as the draught may be that the slave is doomed to drink*, nevertheless, his condition is better than the condition of the free man of color, in the midst of a community of white men with whom he has no common interest, no fellow-feeling, no equality."

From the above conclusions which the committee arrived at in their report, it would seem that they hold slavery to be a more enviable situation, than that of freedom, under the above circumstances; therefore, it would seem to follow, that those colored people, who are now free, should be subjected to slavery, in order to better their condition—and that slavery should be rendered perpetual.

To show the absurdity of the conclusions contained in that part of the report above quoted, the undersigned will briefly contrast the situation of the free man of color, with that of the slave; and in order to run the parallel between them, he will first examine the condition of the slave. ☞ We find him and all his race in a state of complete bondage, not capable of exercising his own will upon any subject of a temporal nature, nor scarcely permitted to do so upon spiritual matters. He owes passive obedience to the will of his master: he dares not act in obedience to the dictates of his *own will*, even in regard to matters of minor consequence, in opposition to the will of his master, without incurring punishment in many instances. Though the undersigned is conscious that there are many slaveholders in Tennessee, who treat their servants humanely, still he believes that this will not apply as a general rule to the majority. Where slaves are owned in large numbers, by persons who eagerly seek after them, for the sake of making profit by their labor it is deemed by their owners necessary to keep them under rigid discipline; and generally under the direction of an overseer or task master, who is clothed with authority to inflict punishment, for trivial offences, either of *commission* or *omission*, in order to insure that attention to business and his commands, by which only, the owner can realize a profit, and prevent their becoming an absolute expense to him. Being subject to the will of the master, or overseer as we have seen; their persons *may be* abused, by the infliction of corporal punishment, at his discretion or without limit, and this even for a supposed offence; and such punishment *may* be repeated day after day for the same offence; and likewise he may put him upon a diet of bread and water if he choose, and this in quantity barely sufficient to sustain life. And further, the slave is necessarily bound by the will of his master, *if he think fit*, to continue his services night and day, and upon his refusal, or omitting to obey such unreasonable commands, he may be doomed to suffer punishment to the extent that the despotic will of his owner, may think proper to inflict.

These are all ingredients which may enter into the "draught of bitterness" which the slave is doomed to drink. But this is not all. Cannot the master part with his right to his slave, and sell him to another person, under whose government his suffering would be far worse than under that of the first owner? And is not this a practice of every day's occurrence? And besides, the suffering of the slave by the infliction of punishment upon his person, and all other punishments of a minor character which might be imposed upon him, and as well that of selling him into a far worse state of bondage, he may be, and frequently is, subjected to still greater punishment. The husband may be severed from his wife and children, and in *galling chains sent one way*—and the wife, dragged from the husband and children, sent another way—and the children separated and sent different directions, notwithstanding the hearts of each may bleed from the chords of affection which bind them to each other, being thus forcibly torn loose from their bosoms. These sufferings may be said to be some of the "*gall of bitterness*" which also enters into the "draught which the slave is doomed to drink;" and do we not see many of them drinking from this cup daily? Yet we are told that the situation of the slave is better than that of the free man of color. This is the clear, definite conclusion which is arrived at in the report of the committee, and which the majority of the convention has adopted as its own sentiment. Let us inquire therefore for a moment, what is the situation of the free man of color, contrasted with that of the slave? Is not his great and essential rights—that of personal liberty, personal security, and private property, and the pursuit of happiness, secured to him by the constitution and laws of the land? Can any man violate those rights with impunity? Can he be restrained of his liberty at the will of any man even if he should be a despot? He cannot. Can his life be put in jeopardy, by punishment inflicted upon him at the will and discretion of any man with impunity? Or can even stripes be inflicted on him, or any corporal punishment, at the will of another with impunity. It cannot be done. Is he not secured in the enjoyment of his personal property equally with the white man? He is. And is he not entitled to a redress of his grievances for violation of any of those rights in a court of justice equally with the white man? Most certainly he is. Then I would ask, are these blessings—for by that name I will call them—secured to the slave? We have seen they are not. Or is the slave entitled to these enjoyments under our government? We know that he is not. Then how is it, that the free man of color, with all this liberty and all this protection, is in a worse condition than the slave? He is not doomed to drink from the *bitter cup* of the slave. The cup of the free man is sweetened with the blessings above enumerated.

Again; can the free man of color be torn from his wife and family, and driven in chains to a foreign land, and there sold in the market like a dumb brute, to him who will give the greatest sum for him; though his heart bleeds and bosom yearns with bowels of compassion and fraternal tenderness, for the wife and children of his bosom, who are bone of his bone and flesh of his flesh? He cannot. Or can the children of the fond mother be torn from *her* bosom, while her heart wrings with distress and she agonizes in despair, and "mourns for them, and will not be comforted, because they are not?" This cannot be done. Then does this not *sweeten* the "draught" which the free man of color daily drinks? Most indubitably it does. Are these blessings secured to the slave? We have seen they are not. What is it then that constitutes the situation of the slave *better* than that of the *free man of color?* Does the superior happiness and comfort of the slave over that of the free man of color, consist in the amount of bread and meat which he receives at the hands of his master, to subsist him, which he has not to trouble himself about the procuring of? The report seems to predicate a good portion of the solid comfort of the slave upon the daily rations which he draws from his master's stores, but this conclusion the undersigned cannot subscribe to: as an *American citizen*, he would put a higher estimate upon the liberty which is enjoyed even by the free man of color. What!! will it be said that *his* rights, privileges and happiness, shall be balanced in the scale against the allowance of coarse fare, which is given for daily subsistence to the slave, and the tattered garments that are furnished him, to defend his body against the inclemency of the season, and the chains with which he may be *bound* in order to send him to a foreign market? Monstrous doctrine!! Cannot the free man of color, with the labor of his hands, one-sixth part of his time, procure as ample a supply of food and raiment as is furnished the slave? Yea: and can he not then sit down under his own vine in the bosom of his family, and enjoy it, and there shall "be none to disturb or make him afraid?" Most certainly he can. Does the circumstance then, that the free man of color labors under some few disabilities, in our country—that of not being allowed his oath in a court of justice, in a suit between white men, or to prove his own account against white men, or not being entitled to hold office under the government, reduce him to a level or below the slave, on the scale of freedom and happiness? The report seems to suppose that it does. At least these are enumerated, as some of the causes that make *his* "draught" *more bitter* than that of the slave. What fallacy of reasoning. Why the alien white man, in our country, labors under disabilities, is he thereby reduced to the level of the slave? Is his *essential liberty* thereby abridged? It is not. Neither is the essential liberty of the free man of color abridged, by the few disabilities which he is under. He stalks abroad in the majesty of his nature, not subject to the dominion of any person, fully secured in all the dear [illegible]tial rights of man; his person protected from abuse, from [illegible] and violent hands of any man; and it cannot be touched, [illegible] upon an offence being established upon him, by proof, and [illegible] of a jury of twelve men concurring in finding him guilty of [illegible] Yet we have seen, that the slave may be punished at the [illegible] owner, without even charging him with an offence. The un[illegible] will not draw the parallel any further, on this part of the su[illegible] leave the world to judge of the correctness or incorrectnes[illegible] sentiment or conclusion contained in the report of the committ[illegible] for himself, he could not sanction it by his vote.

It is said further, in that part of the report, proposed to be stri[illegible]en out, that "When the slave is sick, he has a master or mistr[illegible] *whose own interest* will prompt them to furnish him with food a[illegible] medicine and attendance suited to his situation. But when the fr[illegible] man of color is laid upon a bed of sickness, who cares for him[illegible] what hand supplies his wants? who will step to his humble bed [illegible] *straw*, and feel his pulse, or inquire into the symptoms of his [illegible] ease, *or even hand him a cup of cold water to allay his thirst.*" [illegible] the interest of slave holders will most generally prompt them to [illegible]

some attention shown them when sick, the undersigned has no doubt; but that slaves frequently linger under the pressure of disease, while they are able to walk and are still kept at their work, he has as little doubt; for the charge of being deceitful, the undersigned believes, is often laid at the door of the complaining slave, and he being subject to the will of another, is necessarily required to keep employed, until more unequivocal symptoms are made obvious to his master or overseer, before he is permitted to suspend his labor, and have a remedy applied for his malady; and his owner is prompted, as we are to infer, only to use remedies to recover him, from interest, arising from the fear of losing the property which he holds in him; for he has no charity, agreeably to the report, for it puts the attention of the master or mistress to his or her servant, in this respect, clearly upon the *ground of interest*. It is seen then that the slave is reduced to the humiliating condition of betaking himself to his "humble bed of straw" (when he is laboring under the pressure of disease), only when permitted by the will of his master or mistress to do so. Is such the condition of the free man of color? I answer it is not. When *he* is sick, he has the right of desisting from his labor, if in his judgment he deems it expedient, and to employ such medical assistance as *he* thinks advisable, in time to remedy the malady, before it would become so fixed in the system that it could not be removed. And besides in a state of great distress, he would always have the attention of his friends and relations, (which the slave most commonly cannot have), and would have the sympathies of his acquaintance, and would receive their charity, if that were necessary. Though from the language of the report quoted above, which is in these words: "But when the free man of color is laid upon a bed of sickness, who cares for him? what hand supplies *his* wants? *who* will step to *his* humble bed of straw, and feel his pulse or
jnverty to the nature of his disease, or even hand him a cup of cold
He is not allay his thirst:" the undersigned would say, it seems from
of the free that there are no sympathetic or charitable feelings per-
Again; human heart; and that all the finer sensibilities of our na-
and drive zen up, and that the principle of interest, yes sordid interest
like a du e only thing to stimulate the human heart, and impel or actu-
though hi xtend relief to suffering humanity. This conclusion contain-
and irate report, the undersigned considers to be contrary to the senti-
are bone mankind generally, and particularly, that it is an imputation (as
childre ders) upon the *Christian charity* of our country; and presupposes
wring *o person* will act in obedience to the mandates of *Him* who first
and ulgated the gospel, and who enjoined on his followers to be chari-
The e to all persons, (but especially to the household of faith); and to
lo *the sick and the afflicted every where.* He therefore could not vote to
c ncur with the report. Many other parts of said report, are, in his
c nion, exceptionable, but he deems it unnecessary to examine it
c ther.

th **JOSEPH KINCAID.**

wh

has n motion of Mr NELSON, the Convention resumed the consideration
he report of the Committee of the Whole.

The second section of the fifth article being read,

Mr White moved a division of the question, so that each clause be considered separately; which was ordered.

Mr Marr submitted the following, in lieu of the first clause of said second section; to wit:

"The qualified voters for members of the General Assembly shall elect the judges of the several courts of law and equity."

And the question being had thereon, it was determined in the negative; ayes 8, noes 48.

The ayes and noes being demanded by Mr Marr,

The affirmative voters are,

Messrs. Bradshaw, Hodges, Hill, Humphreys, Kincannon, Mabry, Marr and Nelson; 8.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Neil, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 48.

Mr John A. McKinney offered as amendatory to the first clause of said section, to be inserted at the end of said clause, the words "except the judges or justices of the Courts of Pleas and Quarter Sessions, so long as said courts are continued by the Legislature." And the question being had on receiving said amendment, it was determined in the affirmative; ayes 29, noes 25.

The ayes and noes being demanded by Mr Stephenson,

The affirmative voters are,

Messrs. Bradshaw, Cobbs, Fulton, Fogg, Garrett, Gray, Hodges, Hill, Hess, Kelly, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Neil, Nelson, Roadman, Richardson, Ridley, Stephenson, Senter, Smartt, Ury, Whitson and Walton; 29.

The negative voters are,

Messrs. President (Carter), Allen, Burton, Blount, Cannon, Childress, Cahal, Cheatham, Cross, Douglass, Gillespy, Gordon, Huntsman, Humphreys, Kincaid, Ledbetter, Loving, Marr, Porter, Robertson, Sharp, Scott, White, Webster and Weakley; 25.

The first clause of the second section as amended, was thereupon read, and concurred with.

The second clause of the said second section being read,

Mr Stephenson moved to strike out the word "five"; which motion was rejected.

The second clause of the said second section was then concurred with.

The third clause of the said second section being read,

Mr White moved to strike out the words "both houses" and insert "each house"; which motion prevailed.

Mr **McClellan** moved to strike out the words "elected to each house" and insert the words "members present and voting." And the question being had thereon, it was determined in the negative; ayes 18, noes 35.

The ayes and noes being demanded by Mr **McClellan**,

The affirmative voters are,

Messrs. Allen, Armstrong, Cannon, Childress, Cheatham, Douglass, Gillespy, Hodges, Kincannon, Kendall, McClellan, Neil, Purdy, Roadman, Stephenson, Smartt, Sharp and Webster; 18.

The negative voters are,

Messrs. President (Carter), Bradshaw, Burton, Blount, Cahal, Cobbs, Fulton, Fogg, Garrett, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kimbrough, Ledbetter, Loving, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Nelson, Porter, Richardson, Ridley, Robertson, Senter, Ury, Whitson, Walton, White and Weakley; 35.

Mr **Armstrong** offered an amendment to the third clause of said section, providing that "attorneys general" should be removed in the same way as judges; which amendment was accepted.

Mr **Robert J. McKinney** offered the following further amendment to said third clause, by inserting after the word "judge" in the seventh line, the words "and attorneys general, together with the cause or causes of removal."

And the question being had thereon, it was determined in the affirmative; ayes 43, noes 13.

The ayes and noes being demanded by Mr **Humphreys**,

The affirmative voters are,

Messrs President (Carter), Bradshaw, Blount, Cahal, Cobbs, Cheatham, Fulton, Garrett, Gillespy, Gordon, Hodges, Hill, Humphreys, Hess, Kelly, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stevenson, Senter, Smartt, Sharp, Scott, Ury, Whitson, Walton, Webster and Weakley; 43.

The negative voters are,

Messrs. Allen, Armstrong, Burton, Cannon, Childress, Cross, Douglass, Fogg, Gray, Huntsman, Kendall, Nelson and White; 13.

Mr **Kincaid** offered to amend the said third clause, by adding the words "and the charges made against him shall be supported by evidence"; and the question being had thereon, it was determined in the negative.

Mr **Huntsman** offered to amend the said third clause, by adding the following:

"And the judge shall be served with a copy of the charges to be exhibited against him at least twenty days before the General Assembly shall act upon his removal."

In lieu of which Mr **Humphreys** offered the following:

"Judges, for any reasonable cause, which may not be sufficient for an impeachment, may be removed from office by a concurrent vote of both

Houses; but two-thirds of both Houses must concur in such removal, and the cause of removal shall be entered on the journals of each House. The judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the cause of his removal, at least twenty days before the day on which either House shall act thereupon."

Which was accepted by Mr Huntsman; and the question being had thereon, it was determined in the negative; ayes 23; noes 33.

The ayes and noes being demanded by Mr Huntsman,

The affirmative voters are,

Messrs. Allen, Bradshaw, Blount, Cahal, Fulton, Garrett, Gillespy, Hodges, Hill, Huntsman, Humphreys, Kincaid, Kimbrough, Loving, Montgomery, Porter, Purdy, Richardson, Ridley, Robertson, Scott, Ury and Webster 23.

The negative voters are,

Messrs. President (Carter), Armstrong, Burton, Cannon, Childress, Cobbs, Cheatham, Cross, Douglass, Fogg, Gray, Gordon, Hess, Kelly, Kendall, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Nelson, Roadman, Stephenson, Senter, Smartt, Sharp, Whitson, Walton, White and Weakley; 33.

Mr Cobbs proposed the following amendment in lieu of the said third clause; to wit:

"If the cause of removal assigned amounts to a charge of infamous or corrupt conduct, then a Judge shall be tried by impeachment, or the Attorney General by impeachment or indictment; or if guilt has been ascertained by previous indictment for a crime not committed in office, then they may be removed as aforesaid without further trial: and in either case a Judge or Attorney General shall be suspended from office from the time of impeachment or indictment filed until the end of the trial."

And the question being had thereon, it was rejected.

Mr Fulton proposed to amend said third clause by the following; to wit:

"The Judges against whom the Legislature may be about to proceed, shall receive notice thereof accompanied with a copy of the causes of his removal, at least twenty days before the day on which either House of the General Assembly shall act thereupon."

And the question being had thereon, it was determined in the negative; ayes 28, noes 28.

The ayes and noes being demanded by Mr Fulton,

The affirmative voters are,

Messrs. Allen, Bradshaw, Blount, Cahal, Cobbs, Fulton, Garrett, Gillespy, Huntsman, Humphreys, Kincaid, Kimbrough, Ledbetter, Loving, Robert J. McKinney, Mabry, McGaughey, Montgomery, Porter, Purdy, Richardson, Ridley, Robertson, Stephenson, Scott, Ury, Whitson and Webster; 28.

The negative voters are,

Messrs. President (Carter), Armstrong, Burton, Cannon, Childress, Cheatham, Cross, Douglass, Fogg; Gray, Gordon, Hodges, Hill, Hess, Kelly, Kendall, McClellan, John A. McKinney, Marr, Neil, Nelson, Roadman, Senter, Smartt, Sharp, Walton, White and Weakley; 28.

Mr **Porter** moved to strike out said third clause; and the question being had thereon, it was determined in the negative; ayes 14, noes 42.

The ayes and noes being demanded by Mr **Porter**,

The affirmative voters are,

Messrs. Bradshaw, Blount, Fulton, Garrett, Gillespy, Humphreys, Kendall, Kimbrough, Mabry, Marr, Porter, Richardson, Robertson and Scott; 14.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Burton, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fogg, Gray, Gordon, Hodges, Hill, Huntsman, Hess, Kelly, Kincaid, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Neil, Nelson, Purdy, Roadman, Ridley, Stephenson, Senter, Smartt, Sharp, Ury, Whitson, Walton, White, Webster and Weakley; 42.

The said third clause of the second section of article fifth, was thereupon read as amended and concurred with.

And then the Convention adjourned.

Wednesday, August 6, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Reverend Mr **Hess**, of the Cumberland Presbyterian Church.

The morning business being through:

The Convention resumed the consideration of the report of the Committee of the Whole.

The fourth clause of the second section of the fifth article being read:

Mr **White** offered the following in lieu of said clause, viz;

"Judges of the supreme court shall hold their offices during good behavior, but not beyond the age of sixty years."

Mr **Childress** moved to strike out of said amendment the word "sixty;" and the question being had thereon, it was determined in the negative; ayes 20, noes 33.

The ayes and noes being demanded by Mr **Cahal**,

The affirmative voters are,

Messrs. Allen, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Gillespy, Gray, Gordon, Humphreys, Mabry, Purdy, Richardson, Stephenson, Ury and Webster; 20.

The negative voters are,

Messrs President (Carter), Armstrong, Bradshaw, Fulton, Fogg, Garrett, Hodges, Hill, Huntsman, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Roadman, Ridley, Robertson, Senter, Sharp, Scott, Whitson, White and Weakley; 33.

The question recurring upon Mr WHITE's amendment, and being had, it was determined in the negative; ayes 17, noes 39.

The ayes and noes being demanded by Mr WHITE,

The affirmative voters are,

Messrs. Blount, Cannon, Childress, Cahal, Cheatham, Fogg, Garrett, Hill, Huntsman, Hess, Kendall, Loving, John A. McKinney, Marr, Ury, White and Weakley; 17.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Cobbs, Cross, Douglass, Fulton, Gillespy, Gray, Gordon, Hodges, Humphreys, Kelly, Kincaid, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Whitson and Webster; 39.

Mr JOHN A. MCKINNEY offered the following in lieu of said fourth clause; to wit:

"The Judge of the supreme court shall be elected for the term of eighteen years, and shall not be re-eligible."

And the question being had thereon, it was determined in the negative; ayes 23, noes 33.

The ayes and noes being demanded by Mr JOHN A. MCKINNEY,

The affirmative voters are,

Messrs. Alexander, Cannon, Childress, Cahal, Cobbs, Cheatham, Fulton, Fogg, Garrett, Gordon, Hill, Huntsman, Hess, Kendall, Robert J. McKinney, John A. McKinney, Marr, Neil, Purdy, Sharp, Ury, White and Weakley; 23.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Burton, Blount, Cross, Douglass, Gillespy, Gray, Hodges, Humphreys, Kelly, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Mabry, McGaughey, Montgomery, Nelson, Porter, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Scott, Whitson and Webster; 33.

Mr ALLEN then offered the following in lieu of the said fourth clause; to wit:

"Judges of the supreme court shall be elected for the term of eight years, and be re-eligible; so that the first class shall go out at the end of four years, the second at the end of six years, and the third at the end of eight years."

And the question being had thereon, it was determined in the negative; ayes 12, noes 43.

The ayes and noes being demanded by Mr ALLEN,

The affirmative voters are,

Messrs. Allen, Bradshaw, Burton, Gillespy, Hodges, Kimbrough, John A. McKinney, Mabry, McGaughey, Robertson, Stephenson and Scott; 12.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gray, Gordon, Hill, Huntsman, Hess, Kelly, Kincaid, Kendall, Ledbetter, Loving, McClellan, Robert J. McKinney, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Senter, Smartt, Sharp, Ury, Whitson, White, Webster and Weakley; 43.

Mr HUNTSMAN offered the following as amendatory to the fourth clause of said second section; to wit:

"Judges of the supreme court shall be elected for fourteen years, and shall not serve beyond the age of sixty-five years."

And the question being had thereon, it was determined in the negative; ayes 17, noes 40.

The ayes and noes being demanded by Mr HUNTSMAN,

The affirmative voters are,

Messrs. President (Carter), Alexander, Cahal, Cobbs, Cheatham, Fulton, Fogg, Garrett, Hill, Huntsman, Hess, Ledbetter, Loving, Marr, Purdy, Ury and White; 17.

The negative voters are,

Messrs. Allen, Armstrong, Bradshaw, Burton, Blount, Cannon, Childress, Cross, Douglass, Gillespy, Gray, Gordon, Hodges, Humphreys, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Neil, Nelson, Porter, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Whitson, Webster, and Weakley; 40.

Mr RIDLEY proposed to amend said fourth clause by inserting the words "shall not" preceding the word "re-eligible" in the first line. And the question being had thereon, it was determined in the negative; ayes 17, noes 39.

The ayes and noes being demanded by Mr STEPHENSON,

The affirmative voters are,

Messrs. President (Carter), Alexander, Childress, Cahal, Cobbs, Fogg, Garrett, Hill, Huntsman, Kendall, Robert J. McKinney, John A. McKinney, Mabry, Marr, Purdy, Ridley and Ury; 17.

The negative voters are,

Messrs. Allen, Armstrong, Bradshaw, Burton, Blount, Cannon, Cheatham, Cross, Douglass, Fulton, Gillespy, Gray, Gordon, Hodges, Humphreys, Hess, Kelly, Kincannon, Kimbrough, Ledbetter, Loving, McClellan, McGaughey, Montgomery, Neil, Nelson, Porter, Roadman, Richardson, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Whitson, White, Webster and Weakley; 39.

Mr STEPHENSON moved to strike out the word "twelve" from the ninth line of said fourth clause for the purpose of inserting the word "ten." And the question being had thereon, it was determined in the negative; ayes 13, noes 43.

The ayes and noes being demanded by Mr ROBERT J. MCKINNEY.

The affirmative voters are,

Messrs. Allen, Burton, Gillespy, Hodges, Humphreys, Kincannon, John A. McKinney, Mabry, McGaughey, Robertson, Stephenson, Sharp and Scott; 13.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gray, Gordon, Hill, Huntsman, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Senter, Smartt, Ury, Whitson, White, Webster and Weakley; 43.

Mr Childress moved to strike out all of the fourth clause after the word "re-eligible" in the tenth line of said second section. And the question being had thereon, it was determined in the affirmative; ayes 37, noes 18.

The ayes and noes being demanded by Mr Webster,

The affirmative voters are,

Messrs. Allen, Armstrong, Alexander, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Gillespy, Gray, Gordon, Humphreys, Hess, Kendall, Ledbetter, Loving, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Nelson, Porter, Purdy, Richardson, Ridley, Robertson, Smartt, Sharp, Ury, Whitson, White and Weakley; 37.

The negative voters are,

Messrs. Bradshaw, Burton, Douglass, Garrett, Hodges, Hill, Huntsman, Kelly, Kincannon, Kimbrough, McClellan, Montgomery, Neil, Roadman, Stephenson, Senter, Scott and Webster; 18.

Mr Nelson moved a concurrence with said fourth clause; whereupon said clause was read and concurred with.

The fifth clause was read and concurred with.

The sixth clause was read:

Whereupon Mr Mabry moved to strike out the word "six" and insert the word "four"; which motion was rejected.

The said sixth clause was thereupon concurred with.

The seventh clause being read:

Mr Huntsman moved to strike out, from the words "*pro tem*"; all of said clause; which motion prevailed.

Mr Cahal moved to strike out of the nineteenth line, the words "then and in that case"; which motion prevailed.

The seventh clause being read as amended, was concurred with.

The eighth clause being read:

Mr John A. McKinney moved to strike out the whole clause.

And the question being had thereon, it was determined in the negative; ayes 28, noes 29.

The ayes and noes being demanded by Mr Stephenson,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Cannon, Cross, Gillespy, Gray, Hodges, Kelly, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Neil, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Whitson and Weakley; 28.

The negative voters are,

Messrs. Alexander, Burton, Blount, Childress, Cahal, Cobbs, Cheatham, Douglass Fulton, Fogg, Garrett, Gordon, Hill, Huntsman, Humphreys, Hess, Kincannon, Kincaid, Ledbetter, Loving, Marr, Nelson, Porter, Smartt, Sharp, Scott, Ury, White and Webster; 29.

Mr **Burton** moved to amend the said eighth clause by inserting, after the word "State" in the twenty-third line, the words "and such other business as the Legislature may assign"; which was accepted.

The eighth clause as amended was thereupon read and concurred with.

The third section of the fifth article, was read and concurred with.

The fourth section being read,

Mr **Weakley** moved to strike out said section.

Mr **Hess** proposed the following, in lieu of said fourth section; to wit:

"That the Judges of the different Courts shall have such Civil and Criminal jurisdiction as the Legislature may assign them respectively, and shall be conservators of the peace throughout the State."

Mr. **Ledbetter** moved a division of the question, which was ordered.

The question was then had on striking out said section and determined in the affirmative.

The question recurred upon the amendment proposed by Mr. **Hess**, in lieu of the fourth section, which was rejected.

Mr. **Huntsman** offered the following in lieu of the fourth section; to wit:

"The Judges of the inferior courts shall be justices of oyer and terminer and general jail delivery throughout the State."

Mr. **Cannon** proposed the following in lieu of Mr. Huntsman's amendment; to wit:

"The jurisdiction of such inferior courts as the Legislature may from time to time establish, shall be regulated by law;"

Which was accepted by Mr. **Huntsman**.

And the question being had thereon, it was determined in the affirmative.

The fourth section as amended, was thereupon read and concurred with.

The fifth section was next read and concurred with.

The sixth section being read,

Mr. **Douglass** moved to strike out from the first line the words "the Circuit Courts or," and from the second line the words "in their stead;" and to insert in the first line, between the words "such," and "Courts," the word "inferior," and the question being had, it was determined in the affirmative.

Mr. **Montgomery** offered the following amendment, to be added to the end of said section; viz:

"But appeals on matters of facts shall not be allowed from inferior to superior tribunals, in any case where a trial by jury has been once had."

And the question being thereon had, it was determined in the negative; ayes 9, noes 43.

The ayes and noes being demanded by Mr. HODGES,

The affirmative voters are,

Messrs. Douglass, Fogg, Gordon, Kincaid, Kendall, Montgomery, Nelson, Scott and Weakley; 9.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Cross, Fulton, Garrett, Gillespy, Gray, Hodges, Huntsman, Humphreys, Hess, Kelly, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Ury, Whitson, White and Webster; 43.

Mr. FULTON moved to strike out the latter clause of said section; to wit: "and the Legislature shall regulate the granting of appeals in such manner as justice may require."

And the question being had thereon, it was determined in the affirmative.

Mr. CHILDRESS moved to strike out of the third line of said sixth section the word "said," and insert the word "their"; and also to strike out the words "or courts to be established."

And the question being had thereon, it was determined in the negative.

The sixth section of the fifth article as amended, was thereupon read and concurred with.

The seventh section being read, Mr. DOUGLASS moved to strike out said section; which motion prevailed.

The eighth section being read,

Mr. CHEATHAM moved to amend said section by striking out from the word "interested" in the fifth line to the word "parties" in the sixth line, and inserting these words, "thus disqualified from presiding on the trial of any cause or causes."

And the question being had thereon, it was determined in the affirmative.

Mr FOGG moved further to amend said section, by inserting these words, "in which he may be interested or", to come in after the word "cause" in the second line; which was also accepted.

Mr MONTGOMERY moved to strike out the words "except by consent of all parties" from the fourth line of said eighth section; which was rejected.

The eighth section, as amended, was thereupon read and concurred with.

Mr GORDON thereupon submitted the following as an additional section to said article; to wit:

"The Legislature shall have power to establish in each county, a court for the transaction of county business, and may allow the judge or judges thereof such compensation, either by perquisites or otherwise, as shall be provided by law."

And thereupon the question was had, "will the Convention adopt the foregoing?" and determined in the negative; ayes 18, noes 37.

The ayes and noes being demanded by Mr. GORDON,

The affirmative voters are,

Messrs. Armstrong, Cahal, Cross, Douglass, Garrett, Gray, Gordon, Hill, Kincaid, Kendall, Ledbetter, John A. McKinney, Nelson, Richardson, Ridley, Robertson, Sharp and Scott; 18.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Fulton, Fogg, Gillespy, Hodges, Huntsman, Humphreys, Hess, Kelly, Kimbrough, Loving, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Porter, Purdy, Roadman, Stephenson, Senter, Smartt, Ury, Whitson, White, Webster and Weakley; 37.

The ninth section was then read and adopted.

The tenth section being read,

Mr WHITE moved a division, so that the sense of the Convention might be had on each clause; which motion prevailing, the first clause of said section was read and adopted.

The second clause of said section being read,

Mr ALLEN submitted the following in lieu thereof; to wit:

"The clerks of the chancery courts, (if such a court be established), shall be elected by the qualified voters within the circuit or district (as the case may be) for the term of six years."

And thereupon the question was had and determined in the negative; ayes 16, noes 39.

The ayes and noes being demanded by Mr. ALLEN,

The affirmative voters are,

Messrs. Allen, Armstrong, Bradshaw, Cross, Hodges, Hill, Humphreys, Kincaid, Kimbrough, Mabry, Marr, Nelson, Ridley, Stephenson, Webster and Weakley; 16.

The negative voters are,

Messrs. President (Carter), Alexander, Burton, Blount, Cannon, Childress, Cahal, Cheatham, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Hess, Kelly, Kendall, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Neil, Porter, Purdy, Roadman, Richardson, Robertson, Senter, Smartt, Sharp, Scott, Ury, Whitson and White; 39.

On motion of Mr LEDBETTER, the said clause was amended, by inserting the words "and master", in the first line thereof, after the word "clerk."

The said second clause was thereupon read, as amended, and adopted.

The third clause of the said section being read,

Mr BURTON submitted the following in lieu thereof; to wit:

"Clerks of the Circuit Court, or of such inferior court as the Legislature shall establish in its place, shall be appointed by the judges thereof for the term of four years. The clerks of the county court shall be elected by the qualified voters in each county, and shall hold their offices for the term of four years, and shall be re-eligible; and shall be removed from office for malfeasance or neglect, in such manner as may be prescribed by law."

In lieu of which Mr Weakley submitted the following; to wit:

"Clerks of the circuit and county courts shall be elected by their respective courts, for the term of six years, and shall be re-eligible."

Mr Garrett moved a division, which motion failing, the question was had on the adoption of Mr Weakley's amendment, and determined in the negative; ayes 8, noes 47.

The ayes and noes being demanded by Mr Humphreys,

The affirmative voters are,

Messrs. Blount, Cannon, Cheatham, Douglass, Fogg, Gray, Kendall and Weakley; 8.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Childress, Cahal, Cross, Fulton, Garrett, Gillespy, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Ury, Whitson, White and Webster; 47.

Mr John A. McKinney then submitted the following in lieu of the proposition of Mr Burton; to wit:

"Clerks of such inferior courts as may be hereafter established, which shall be holden in the respective counties of the State, shall be appointed in such manner, and hold their offices for such periods as the Legislature shall prescribe."

And thereupon the question was had and determined in the negative; ayes 11, noes 44.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. Blount, Cahal, Cheatham, Douglass, Fogg, Garrett, Kendall, Loving, John A. McKinney, Ury, and Weakley; 11.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Cannon, Childress, Cross, Fulton, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Whitson, White and Webster; 44.

The question then recurring upon the amendment of Mr. Burton, Mr. Garrett moved a division of the proposition, which motion failing, Mr. Burton withdrew so much of his amendment as relates to the election of clerks of the county courts. The question was then had upon the adoption of the remainder of Mr. Burton's amendment, and determined in the negative; ayes 14, noes 41.

The ayes and noes being demanded by Mr. HODGES,

The affirmative voters are,

Messrs. Burton, Blount, Cahal, Cheatham, Douglass, Fogg, Garrett, Kendall, Loving, Robert J. McKinney, John A. McKinney, Ury, White and Weakley; 14.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Cannon, Childress, Cross, Fulton, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kimbrough, Ledbetter, McClellan, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Whitson and Webster; 41.

Mr. WHITE then submitted the following as an amendment to the said section; to wit:

"And should a vacancy occur subsequent to an election, it shall be filled by the court, and the person so appointed shall hold his office until the first election for county officers, when such vacancy shall be filled by the qualified voters."

And thereupon the question was had, "will the Convention adopt the amendment," and determined in the negative; ayes 22, noes 33.

The ayes and noes being demanded by Mr. MABRY,

The affirmative voters are,

Messrs. President (Carter), Burton, Blount, Cannon, Cahal, Douglass, Fulton, Fogg, Garrett, Gray, Huntsman, Hess, Kincaid, Kendall, Ledbetter, Loving, Robert J. McKinney, John A. McKinney, Scott, Ury, White and Weakley; 22.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Childress, Cheatham, Cross, Gillespy, Gordon, Hodges, Hill, Humphreys, Kelly, Kimbrough, McClellan, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Whitson and Webster; 33.

The said section was then concurred with.

The eleventh section being read, Mr. LEDBETTER offered the following as an amendment thereto, (to wit:)

"And if the defendant shall submit, it shall not prevent the court from empaneling a jury instanter to assess the fine if it should seem proper to said court."

And the question being thereupon had, the said amendment was rejected.

The twelfth section being read,

Mr. STEPHENSON submitted the following in lieu thereof; to wit:

"There shall be justices of the peace elected for each county, by the qualified voters in each county, not exceeding two for each captain's company, (except for the company which includes the county town, which shall not exceed three) who shall hold their office for the term of six years, and upon the removal of such officer, from the district from which he was elected, his office shall become vacant from the date of such removal."

In lieu of which, Mr McGaughey submitted the following; to wit:

"There shall be justices of the peace appointed for each county, not exceeding two for each Captain's company (except for companies within the bounds of county towns, which shall not exceed three) who shall be elected by the qualified voters within their respective companies, and shall hold their office for the term of   years.

"There shall be elected by the qualified voters in each Captain's company, one Constable, and also one for each county town, who shall hold their offices for the term of two years—and the removal of either of said officers from the bounds of the Company for which he shall have been elected, shall vacate his office."

Mr John A. McKinney moved to fill the blank in the foregoing amendment, with the word "four".

Mr Burton moved that it be filled with the word "six"; which motion prevailed.

And thereupon the Convention adjourned.

Thursday, August 7, 1834.

The Convention met according to adjournment, and was opened with prayer, be the Rev. Mr Kimbrough, of the Baptist Church.

Mr Nelson submitted the following:

"*Resolved*, That hereafter the regular hour of the meeting of this Convention, in the afternoon, shall be half past two o'clock."

On Mr Nelson's motion, the rule requiring resolutions to lie one day on the table, was suspended:

Whereupon, Mr Mabry moved to strike out the word "half" in said resolution.

And the question being had thereon, it was rejected.

Mr Mabry submitted the following as an amendment to Mr Nelson's resolution; to wit:

The hour of meeting in the morning, shall be half after seven o'clock.

Mr Nelson moved a division of the question; which was ordered.

The question was thereupon had on Mr Mabry's amendment, and determined in the negative; ayes 19, noes 38.

The ayes and noes being demanded by Mr Huntsman,

The affirmative voters are,

Messrs. President (Carter), Bradshaw, Hodges, Hill, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Richardson, Robertson, Stephenson, Smartt, Sharp and Whitson; 19.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Humphreys, Hess, Kelly, Kincannon, Ledbetter, Loving, Montgomery, Marr, Porter, Purdy, Roadman, Ridley, Senter, Smith, Scott, Ury, White, Webster and Weakley; 38.

Thereupon the question recurred upon the adoption of Mr Nelson's resolution, and was determined in the affirmative; ayes 39, noes 18.

The ayes and noes being demanded by Mr HUNTSMAN,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Childress, Cheatham, Douglass, Fulton, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. M'Kinney, John A. M'Kinney, Mabry, McGaughey, Montgomery, Neil, Nelson, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Whitson and Weakley; 39.

The negative voters are,

Messrs. Allen, Alexander, Burton, Blount, Cannon, Cahal, Cobbs, Cross, Fogg, Garrett, Gillespy, Kincannon, Marr, Porter, Purdy, Ury, White and Webster; 18.

The morning business being through,

The Convention resumed the consideration of the report of the Committee of the Whole.

The amendment of Mr MCGAUGHEY, in lieu of Mr Stephenson's amendment and in lieu of the twelfth section of the fifth article, being read,

Mr STEPHENSON accepted the amendment of Mr McGaughey in lieu of his.

And thereupon the question was had, "Will the Convention receive said amendment?" and determined in negative; ayes 17, noes 40.

The ayes and noes being demanded by Mr STEPHENSON,

The affirmative voters are,

Messrs. Bradshaw, Burton, Cannon, Gillespy, Gray, Kelly, Kendall, McGaughey, Porter, Roadman, Richardson, Stephenson, Smartt, Scott. Whitson, White and Webster; 17.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Blount, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, Montgomery, Marr, Neil, Nelson, Purdy, Ridley, Robertson, Senter, Smith, Sharp, Ury and Weakley; 40.

Mr HESS moved to insert in the sixth line of said twelfth section, preceding the word "two" the words "three justices and"; which motion prevailed.

Mr CHILDRESS offered the following in lieu of the said twelfth section; to wit:

"There shall be justices of the peace elected by the qualified voters of the districts in each county, not exceeding two for a district, which districts shall be laid off agreeably to law, except for the districts including county towns, which shall not exceed three, who shall hold their offices for six years, and be re-eligible; also one constable for each district, who shall hold their offices for two years, and be re-eligible. Said justices to be commissioned by the Governor, and constables to give bonds &c. agreeably to law; and the removal of either from their districts shall vacate their office."

Mr Ledbetter moved to strike out from the third line of said twelfth section, the words "less than ten nor"; which motion prevailed.

Mr Mabry moved to strike out the word "six" and insert the word "four" in the sixth line of said section;

Whereupon Mr Stephenson moved a division of the question, which the Convention refused to grant. The question then recurred upon the adoption of Mr Mabry's amendment, and being had, it was determined in the negative.

The question was then had, "will the Convention receive the said amendment of Mr Childress?" and determined in the negative.

Mr Cobbs proposed the following amendment to said twelfth section; to wit:

"In such elections a majority of the whole number of votes given shall be necessary, for the election of each officer; and at a second voting, when necessary, only the two highest, not having a majority, shall be voted for."

And thereupon the question being had, it was rejected.

Mr Senter offered the following amendment to said twelfth section; to wit:

"Justices of the peace shall receive for their services a compensation to be ascertained by law."

And the question being had, it was determined in the affirmative; ayes 30, noes 26.

The ayes and noes being demanded by Mr Huntsman,

The affirmative voters are,

Messrs. Alexander, Childress, Cahal, Cobbs, Cross, Douglass, Fogg, Garrett, Gillespy, Hodges, Hill, Kelly, Kincaid, Loving, Robert J. McKinney, John A. McKinney, Mabry, Montgomery, Neil, Nelson, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Sharp, Scott, Whitson and Weakley; 30.

The negative voters are,

Messrs. President (Carter), Allen, Bradshaw, Burton, Blount, Cannon, Cheatham, Fulton, Gray, Gordon, Huntsman, Humphreys, Hess, Kendall, Kimbrough, Ledbetter, McClellan, McGaughey, Marr, Porter, Purdy, Stephenson, Smartt, Ury, White and Webster; 26.

Mr Gordon moved the following further amendment to said twelfth section; to wit:

"Justices of the Peace shall be commissioned by the Governor"; which was accepted.

Mr Kincaid moved to strike out the word "four" in the third line of the twelfth section for the purpose of inserting the word "five" which was rejected.

Mr **Allen** offered the following amendment to the said twelfth section; to wit: "provided that they shall not be exempt from working on roads and doing militia duty"; and the question being had thereon, said amendment was rejected.

Mr **Kincaid** moved to strike out and insert the following, commencing after the words "districts laid off" in the first line of said twelfth section; to wit: "of such size that no district shall be less than four and a half miles square, or twenty one square miles." And the question being had thereon, said amendment was rejected.

Mr **Cahal** moved to strike out the word "for" from the fourth line of said section, and insert the word "in" which motion prevailed.

The said twelfth section was thereupon read as amended and concurred with.

The sixth article was next taken up and the first section thereof being read,

Mr **Alexander** moved to strike out of said section the words "provided that no person shall be eligible to the office of sheriff more than four years in any term of six years."

Mr **Roadman** moved to strike out of said section in the third line the words "four" and "six" and insert "six" and "eight."

And thereupon the question was had and determined in the affirmative; ayes 32, noes 25.

The ayes and noes being demanded by Mr **Roadman**,

The affirmative voters are,

Messrs. Armstrong, Alexander, Bradshaw, Childress, Cobbs, Cheatham, Cross, Douglass, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Kelly, Kendall, Ledbetter, Loving, Mabry, Neil, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Smartt, Sharp, Scott, Whitson and Weakley; 32.

The negative voters are,

Messrs President (Carter), Allen, Burton, Blount, Cannon, Cahal, Fulton, Fogg, Garrett, Hodges, Hess, Kincaid, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Marr, Nelson, Senter, Smith, Ury, White and Webster; 25.

Mr **Alexander** thereupon withdrew his motion to strike out.

Mr **Sharp** proposed to amend said first section, by inserting the following; to wit: "and shall not be a deputy sheriff while he is ineligible as sheriff"; and the question "will the Convention adopt said amendment?" being had, it was rejected.

Mr **Cahal** offered the following, in lieu of the first clause of said section, and in lieu of the first proviso thereto:

"There shall be elected in each county, by the qualified voters, one sheriff, who shall serve for the term of four years, and be incapable of holding the office of sheriff or deputy sheriff, for the like period of four years."

And the question "will the Convention adopt said amendment?" being had, it was determined in the negative; ayes 14, noes 43.

The ayes and noes being demanded by Mr **Burton**,

The affirmative voters are,

Messrs. Burton, Cahal, Cobbs, Fulton, Fogg, Garrett, Hodges, Hill, Huntsman, Robert J. McKinney, John A. McKinney, Marr, Ury and Weakley; 14.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Gillespy, Gray, Gordon, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Mabry, McGaughey, Montgomery, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Whitson, White and Webster; 43.

Mr Kendall offered the following amendment to the said first section; viz:

"*Provided further*, that if any sheriff so elected shall fail to give bond and approved security to the court of their respective county, such court shall have power to appoint their sheriff and fill vacancies."

And the question "will the Convention adopt said amendment?" being had, it was rejected.

The said first section of article sixth, as amended, was thereupon read, and concurred with.

Mr White offered the following as an additional clause to said first section; to wit:

"Should a vacancy occur, subsequent to an election, in the office of sheriff, trustee or register, it shall be filled by the justices; if in that of the clerks to be elected by the people, it shall be filled by the courts; and the person so appointed, shall continue in office until the first election for county officers, when such vacancy shall be filled by the qualified voters."

Mr Webster offered the following, in lieu of Mr White's amendment; to wit:

"When a civil office in any county becomes vacant, the right to fill which belongs to the qualified voters as named in this Constitution, the coroner shall issue his writ to fill such vacancy."

And the question thereon being had, it was rejected.

Mr Porter asked and obtained leave of absence for a few days.

On motion of Mr Nelson, it was ordered that Mr Fulton be added to the committee appointed to lay off the State into senatorial and representative districts.

The question recurring, and being had, "Will the Convention adopt said additional clause, proposed by Mr White to said first section?" it was determined in the affirmative; ayes 44, noes 12.

The ayes and noes being demanded by Mr Mabry,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Burton, Blount, Cannon, Cahal, Cobbs, Cheatham, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hill, Huntsman, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John

A. McKinney, McGaughey, Montgomery, Marr, Neil, Nelson, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Ury, Whitson, White and Weakley; 44.

The negative voters are,

Messrs. Allen, Alexander, Childress, Cross, Hodges, Humphreys, Mabry, Purdy, Robertson, Sharp, Scott and Webster; 12.

Mr Nelson offered an additional amendment to said section in the following words; to wit:

"Except registers of the land offices, shall be elected by the qualified voters in their respective districts, who shall hold their offices for four years, and shall be re-eligible."

The question being had on the adoption of said amendment, it was rejected.

The second section of the sixth article was read and concurred with.

The third section of said article was read and amended on motion of Mr Purdy, by inserting in the first line after the word "officers" "and the filling of all vacancies that may happen in case of death, resignation or removal"; and in the same line, after the word "otherwise", the following "provided for or."

The section was then adopted.

The seventh article was then taken up.

The first section thereof being read, Mr Robertson offered the following, in lieu of said section; viz:

"The militia of this State shall be regulated, and the officers thereof elected, by such electors, and in such manner as may be prescribed by the Legislature, so as to conform, as nearly as practicable, to the Constitution and laws of the United States."

And thereupon the question was had, "will the Convention adopt the amendment?" and determined in the negative; ayes 14, noes 42.

The ayes and noes being demanded by Mr Robertson,

The affirmative voters are,

Messrs. Allen, Blount, Cahal, Cobbs, Douglass, Fulton, Fogg, Garrett, Hill, Loving, Purdy, Robertson, Scott and Ury; 14.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Burton, Cannon, Childress, Cheatham, Cross, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Whitson, White, Webster and Weakley; 42.

Mr Hess proposed to amend said section, by striking out the words "persons subject to military duty", and inserting the words "the white male citizens over eighteen years of age."

In lieu of which Mr Purdy offered the following: "or have heretofore performed", and the question being had on receiving said amendment, it was rejected.

The question then recurred upon the adoption of Mr Sharp's amendment, and was determined in the negative; ayes 24, noes 32.

The ayes and noes being demanded by Mr Sharp,

The affirmative voters are,

Messrs. Armstrong, Burton, Blount, Cahal, Cross, Fulton, Fogg, Garrett, Hodges, Hill, Huntsman, Kelly, Kincaid, John A. McKinney, Mabry, Neil, Purdy, Roadman, Ridley, Smith, Smartt, Sharp, Scott and Ury; 24.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Cannon, Childress, Cobbs, Cheatham, Douglass, Gillespy, Gray, Gordon, Humphreys, Hess, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, McGaughey, Montgomery, Marr, Nelson, Richardson, Robertson, Stephenson, Senter, Whitson, White, Webster and Weakley; 32.

The said first section was thereupon concurred with.

The second section was read, and amended, on motion of Mr Smartt, by striking therefrom the words "Brigade Majors" and inserting in lieu the words "staff officers". The said section was again read, as amended, and adopted.

The third and fourth sections of said article were thereupon read and concurred with.

The Convention then proceeded to the consideration of the eighth article of the amended Constitution, as reported by the Committee of the Whole.

Mr Smith moved to strike therefrom the first section thereof.

And thereupon the question was had and determined in the negative; ayes 4, noes 52.

The ayes and noes being demanded by Mr. Ledbetter,

The affirmative voters are,

Messrs. Armstrong, Cahal, Smith and Ury; 4.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Whitson, White, Webster and Weakley; 52.

The said first section was thereupon adopted.

The second section was also read and concurred with.

The third section being read,

Mr. Fulton submitted the following in lieu thereof; to wit:

"The Legislature may provide by law, that no person shall be capable of holding or being elected to any post of profit, trust or emolument; civil or military, legislative, executive, or judicial, under the government of this State; who shall hereafter fight a duel, the probable issue of which may be the death of the challenger or challenged, or who shall be a second to either party, or shall in any manner, aid or assist in such duel, or shall be knowingly the bearer of such challenge."

Mr. CANNON moved to amend the said third section by adding thereto the following, to wit: "Until restored to the same by the Legislature;" and thereupon the question was had and determined in the negative; ayes 18, noes 38.

The ayes and noes being demanded by Mr. CANNON,

The affirmative voters are,

Messrs. Burton, Cannon, Childress, Cahal, Cobbs, Cross, Douglass, Fulton, Gray, Huntsman, Kincaid, Ledbetter, McClellan, Mabry, Montgomery, Ridley, Scott and Ury; 18.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Blount, Cheatham, Fogg, Garrett, Gillespy, Gordon, Hodges, Hill, Humphreys, Hess, Kelly, Kendall, Kimbrough, Loving, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Neil, Nelson, Purdy, Roadman, Richardson, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Whitson, White, Webster and Weakley; 38.

Mr. GORDON thereupon moved to amend the said section, by striking therefrom all the part thereof after the word "deprived," for the purpose of inserting the following, to wit: "of the right to hold any office of honor or profit in this State, and shall be punished otherwise, in such manner as the Legislature may prescribe."

And thereupon the question was had and determined in the negative; ayes 25, noes 29.

The ayes and noes being demanded by Mr. GORDON,

The affirmative voters are,

Messrs. Allen, Alexander, Cannon, Childress, Cahal, Cheatham, Cross, Douglass, Gray, Gordon, Hill, Huntsman, Kelly, Kincaid, Ledbetter, McClellan, Montgomery, Marr, Purdy, Richardson, Ridley, Robertson, Smith, Scott and Ury; 25.

The negative voters are,

Messrs. President (Carter), Bradshaw, Blount, Cobbs, Fulton, Fogg, Garrett, Gillespy, Hodges, Humphreys, Hess, Kendall, Kimbrough, Loving, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Roadman, Stephenson, Senter, Smartt, Sharp, Whitson, White, Webster and Weakley; 29.

The question then recurred upon the adoption of Mr. FULTON's amendment, and being thereon had, it was determined in the negative; ayes 26, noes 29.

The ayes and noes being demanded by Mr. FULTON,

The affirmative voters are,

Messrs. Allen, Alexander, Burton, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Gray, Gordon, Huntsman, Humphreys, Kelly, Kincaid, Ledbetter, Loving, McClellan, Montgomery, Purdy, Ridley, Robertson, Scott, Ury and White; 26.

The negative voters are

Messrs. President (Carter), Bradshaw, Blount, Douglass, Fogg, Garrett, Gillespy, Hodges, Hill, Hess, Kendall, Kimbrough, Robert J. M'Kinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Nelson, Roadman, Richardson, Stephenson, Senter, Smith, Smartt, Sharp, Whitson, Webster and Weakley; 29.

And so said amendment was rejected.

Whereupon Mr. Fulton moved a reconsideration of the vote rejecting Mr. Gordon's amendment, which motion prevailing, the question was thereupon had upon the adoption of said amendment, and determined in the affirmative; ayes 30, noes 26.

The ayes and noes being demanded by Mr. Weakley,

The affirmative voters are,

Messrs. Allen, Alexander, Burton, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Gray, Gordon, Hill, Huntsman, Humphreys, Kelly, Kincaid, Ledbetter, Loving, McClellan, Montgomery, Marr, Purdy, Richardson, Ridley, Robertson, Scott, Ury and White; 30.

The negative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Blount, Fogg, Garrett, Gillespy, Hodges, Hess, Kendall, Kimbrough, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Roadman, Stephenson, Senter, Smith, Smartt, Sharp, Whitson, Webster and Weakley; 26.

The said section was thereupon read as amended and adopted.

The first section of the ninth article being read,

Mr. Burton moved to strike therefrom all that part thereof after the words "oath of office"; and thereupon, the question was had and determined in the affirmative; ayes 36, noes 20.

The ayes and noes being demanded by Mr. Burton,

The affirmative voters are,

Messrs. Allen, Armstrong, Alexander, Burton, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Gillespy, Gray, Gordon, Hodges, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Mabry, McGaughey, Neil, Nelson, Purdy, Richardson, Robertson, Smartt, Sharp, Scott, Ury, White and Weakley; 36.

The negative voters are,

Messrs. President (Carter), Bradshaw, Blount, Cannon, Fulton, Fogg, Garrett, Hill, Huntsman, Robert J. McKinney, John A. McKinney, Montgomery, Marr, Roadman, Ridley, Stephenson, Senter, Smith, Whitson and Webster; 20.

And then the Convention adjourned.

Friday, August 8, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Kimbrough of the Baptist Church.

Mr Cannon presented a counter memorial from sundry citizens of Bedford county, on the subject of new counties; which was read and ordered to the table.

Mr **Kincaid** moved to take up the fourth section of the ninth article, which motion prevailing, said section was ordered up.

Whereupon Mr **Kincaid** further moved to lay said section upon the table until it be regularly reached on the second reading of the Constitution, which motion prevailed, and said section was ordered to the table.

Mr **Montgomery** submitted the following:

"*Resolved*, That the amended Constitution shall be submitted to the people, to be by them adopted or rejected at their discretion.

"And for the purpose of carrying the foregoing resolution into effect,

"*Resolved further*, That at as early a day as practicable after the rise of this Convention, the new Constitution shall be printed, and circulated throughout the State; and on the first Thursday and Friday in March next, the sheriffs or returning officers of the different counties, shall at the different places of election now established, open the polls for the reception of votes for and against the amended Constitution, and shall immediately after the election aforesaid, make out and forward to the Governor, a return of the votes taken in their respective counties, both for and against the new Constitution, and the Governor shall within two months thereafter, compare all the votes so to him returned, and if it shall appear that a majority of all the votes so taken and returned, are in favor of the amended Constitution, he shall thereupon issue his proclamation to that effect, and the amended Constitution, shall henceforth be the Constitution of the State of Tennessee."

The Convention then resumed the consideration of the report of the Committee of the Whole.

The first section of the ninth article as amended, was thereupon read and concurred in.

The second section of the ninth article being read,

Mr **John A. McKinney**, thereupon moved to strike out all of said section after the second line.

Mr **Childress** moved to strike out from the fourth line of said section the following words, "I will in all appointments vote without favor, affection, partiality or prejudice, and" which was rejected.

Mr **Cobbs** moved to amend said section by inserting after the word "prejudice" in the fifth line the words "except in the case of a candidate from my own county or district."

Mr **Ledbetter** offered the following in lieu of Mr Cobbs' amendment, to wit: "unless otherwise instructed by a majority of the people, I represent;" which was rejected.

Mr **John A. McKinney** offered the following in lieu of Mr Cobbs' amendment, and in lieu of said section, to wit: "I, A B, do solemnly swear, that as a member of this General Assembly, I will, in the first place, do the best I can for myself—in the second place for my friends, and in the third place for the State of Tennessee.

On motion of Mr **Ledbetter**, said proposed amendment was laid on the table.

Mr **Allen** offered the following in lieu of Mr Cobbs' amendment, and in lieu of all of said section after the second line, to wit: "and that

I will faithfully and impartially discharge the duties appertaining to the station to which I have been elected"—which was rejected.

Mr **Ridley** proposed in lieu of Mr Cobbs' amendment, the following, to wit: "paying a due regard to instructions"—which was rejected.

Mr **Walton** moved, in lieu of Mr Cobbs' amendment, to insert after the word "State" in the second line, the words "and of the United States"; and to strike out the remainder of the section; which motion was rejected.

The question then recurred upon Mr Cobbs' amendment; which was rejected.

Mr **Purdy** moved to strike out from the word "will," in the fourth line, to the word "appear," in the fifth line, and insert the following; "not propose or assent to any bill or resolution, nor give any vote"; which was also rejected.

Mr **Stephenson** moved to insert the words "and also the constitution of the United States," after the word "State," in the second line of said section; which was also rejected.

Mr **Cahal** moved a reconsideration of the vote on Mr **Stephenson's** amendment, which was ordered; and the question being had thereon it was adopted.

The second section of article ninth as amended was thereupon read and concurred in.

The third section being read,

Mr **Huntsman** moved to amend by inserting the word "gratuity" after the word "gift" in the first line; which was rejected.

Mr **Kimbrough** moved to strike out from the third line in said section the words "give" and "such" and insert the words "gift or" preceding the word "reward"; which was rejected.

The third section was concurred in.

The tenth article was next taken up; and the first section thereof being read, was concurred in.

The second section being read,

Mr President (Carter), offered the following as an amendment to said section, to wit:

"When the Constitution shall be submitted to the people for ratification or rejection, they shall have the privilege of voting for the second section of the tenth article separately from the balance of the Constitution, and if a majority of the people think proper to vote for said second section of the tenth article, (which provides for an amendment of the Constitution,) and to vote against the remainder, then the said second section of the tenth article shall be attached to the old Constitution as an amendatory section thereof."

Mr **Cannon** then offered the following in lieu of Mr **Carter's** amendment, and in lieu of said section; to wit:

"That whenever two thirds of the general assembly shall think it necessary to amend or change this Constitution, they shall recommend to the electors, at the next election for members of the general assembly, to vote for or against a Convention; and if it shall appear that a majority of all the citizens of the State voting for representatives, have voted for a Convention, the general assembly shall, at their next session, call a Convention, to consist of as many members as there may be in the general assembly, to be chosen in the same manner, at the same place and by the same electors, that choose the general assembly; who shall meet within three months after said election, for the porpose of revising and amending or changing the Constitution."

And the question being had, "will the Convention receive said amendment?" it was determined in the negative; ayes 5, noes 51.

The ayes and noes being demanded,

The affirmative voters are,

Messrs Bradshaw, Cannon, Fulton, Gillespy and Robertson; 5.

The negative voters are,

Messrs President (Carter), Allen, Armstrong, Alexander, Burton, Blount, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fogg, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 51.

The question then recurred and was had, on the adoption of Mr President Carter's amendment; and determined in the negative; ayes 18, noes 38.

The ayes and noes being demanded by Mr **Carter**,

The affirmative voters are,

Messrs. President (Carter), Blount, Cahal, Cobbs, Cheatham, Douglass, Fogg, Garrett, Huntsman, Ledbetter, Robert J. McKinney, John A. McKinney, Montgomery, Roadman, Senter, Ury, Webster and Weakley; 18.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Burton, Cannon, Childress, Cross, Fulton, Gillespy, Gray, Gordon, Hodges, Hill, Humphreys, Hess, Kelly, Kendall, Kimbrough, Loving, McClellan, Mabry, McGaughey, Marr, Neil, Nelson, Purdy, Richardson, Ridley, Robertson, Stephenson, Smith, Smartt, Sharp, Scott, Whitson, Walton and White; 38.

Mr **Cannon** moved to strike out the word "six" in the twentieth line of said section, for the purpose of inserting the word "ten"; which was rejected.

Mr **Childress** moved to strike out the words "a majority" from the third line of said section, for the purpose of inserting the word, "two thirds"; which was also rejected.

Mr **Childress** offered the following amendment to said section; to wit: "And that there shall not at any time be submitted to the consideration of the people as an amendment, more than one department of said Constitution, to wit: either the Executive, Legislative or Judiciary."

Which was rejected.

In lieu of the said section, Mr. **Blount** offered the following:

"That amendments or changes of this Constitution shall be made whenever suggested as proper by the vote of a majority of the people, and made known to the Legislature for a call of a Convention; in which event the Legislature shall provide for the call of a Convention accordingly, to consist of as many Members as there may be in the General Assembly at that time, to be chosen in the same manner, at the same places and by the same electors that choose the Members of the General Assembly, who shall meet together in Convention, at the place appointed, within three months after the said election, for the purpose of revising, amending, or changing the Constitution; and no Convention shall be otherwise proposed or called than at the expressed instance in the manner above said, by a vote of the majority of the people of the State; unless a majority of the qualified voters should, by their votes, express their preference that any specified amendment desired should be duly brought before the people by law passed by the Legislature, which may afford them an opportunity of adopting or rejecting the same in a regular mode of proceeding, to be prescribed by law, and in such latter case, such shall be the mode of amending the Constitution; and amendments effected in either mode, shall be declared by proclamation of the Governor to have been adopted as part of the fundamental law of the State."

And the question being had on the adoption of said amendment, it was rejected.

Mr. **Childress** moved to strike out from the eighth line of said section the word "two-thirds" for the purpose of inserting the word "majority"; and the question being had thereon, it was determined in the affirmative; ayes 14, noes 42.

The ayes and noes being demanded by Mr. **Huntsman**,

The affirmative voters are,

Messrs. Armstrong, Blount, Childress, Cahal, Fulton, Gillespy, Mabry, Roadman, Richardson, Smartt, Sharp, Scott, Walton and Webster; 14.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Cannon, Cobbs, Cheatham, Cross, Douglass, Fogg, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Ridley, Robertson, Stephenson, Senter, Smith, Ury, Whitson, White and Weakley; 42.

Mr. **McClellan** moved to strike out of said section all that part thereof from the word "proposed" in the fourteenth line, to the word "that" in the sixteenth line, and thereupon the question was had and determined in the affirmative.

Mr. **Alexander** moved to strike out of said section in the twentieth line thereof, the word "six" for the purpose of inserting the word "eight."

And thereupon the question was had, and determined in the negative; ayes 22, noes 33.

The ayes and noes being demanded by Mr. HUMPHREYS,

The affirmative voters are,

Messrs. Allen, Alexander, Bradshaw, Cannon, Childress, Cobbs, Cheatham, Douglass, Huntsman, Hess, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. M'Kinney, Neil, Purdy, Ridley, Robertson, Stephenson and Senter; 22.

The negative voters are,

Messrs. President (Carter), Armstrong, Burton, Blount, Cahal, Cross, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Humphreys, Kelly, Mabry, McGaughey, Montgomery, Marr, Nelson, Roadman, Richardson, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 33.

The said second section as amended, was thereupon read and concurred in; ayes 46, noes 9.

The ayes and noes being demanded by Mr. CANNON,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Cobbs, Cross, Fogg, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 46.

The negative voters are,

Messrs. Blount, Cannon, Childress, Cahal, Cheatham, Douglass, Fulton, Gillespy and Robertson; 9.

The third section was read and concurred in.

The schedule was next read: whereupon Mr. HUNTSMAN moved to strike out thereof the words "of every denomination," in the second line; which motion prevailed.

Mr. HUNTSMAN moved to insert in the third line thereof after the word "military" the words "shall continue to hold their offices"; which motion prevailed.

Mr. WHITE moved to insert in the seventh line thereof after the word "qualified," the words "and no longer"; which motion prevailed.

Mr. FOGG moved to strike out from the second line thereof, the words "that all the laws now in force and use in this State"; which motion prevailed.

Mr. FOGG moved further to amend the first section of said schedule by inserting in the sixth line between the words "and" and "their" the word "until"; and the word "be" before the word "elected"; which motion prevailed.

Mr. Marr moved to strike out of said section, all that part thereof after the words "no longer" in the seventh line; which motion was rejected.

The said first section as amended, was read and concurred in.

The second section being read,

Mr. Mabry moved to strike out said second section, and thereupon the question was had and determined in the negative; ayes 17, noes 39.

The ayes and noes being demanded by Mr. Cross,

The affirmative voters are,

Messrs. Allen, Bradshaw, Burton, Cahal, Cobbs, Douglass, Fulton, Fogg, Hodges, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Stephenson and White; 17.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Blount, Cannon, Childress, Cheatham, Cross, Garrett, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Ledbetter, Loving, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, Webster and Weakley; 39.

In lieu of said second section, Mr. Cobbs offered the following; to wit:

"All male citizens over twenty-one years of age, now or hereafter owning and residing on a legal *bona fide* occupant claim, south and west of the Congressional reservation line, shall be competent to serve in all capacities where a freehold is by law of the State made a requisite qualification."

And the question being had on receiving said amendment, it was determined in the negative.

The said second section was concurred in without amendment.

On motion of Mr. Huntsman,

The report of the Committee on private and local legislation, made on the 24th July, was taken up, read and concurred in.

The second report made by the same committee on the 29th of July, was also taken up, read, and concurred in.

On motion of Mr. Humphreys,

The report of the committee on the common school fund was taken up and read, and concurred in.

On motion of Mr. Huntsman,

The resolution submitted by him, on the 25th July, on the subject of contested elections, was taken up and read, and after some discussion being had thereon,

Mr. Huntsman asked and obtained leave to withdraw it.

And thereupon the Convention adjourned.

Saturday, August 9, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Hess of the Cumberland Presbyterian Church.

Mr. John A. McKinney submitted the following:

"*Resolved*, That when the Convention adjourns at twelve o'clock on this day, it will adjourn until Monday next at nine o'clock, for the purpose of affording the committee on Senatorial and Representative districts, an opportunity of sitting on the afternoon of this day."

And the rule being suspended, said resolution was adopted.

Mr. **Smith** presented the memorial of sundry citizens of Jackson county on the subject of emancipation; whereupon, on motion of Mr. **Ledbetter**, said memorial was laid on the table.

On motion of Mr. **Ledbetter**,

Ordered, That the Constitution as amended on its first reading, be printed for the use of the Convention.

On motion of Mr. **Cheatham**, it was

Ordered, That Messrs. Loving and Ledbetter be appointed to superintend the printing of the Constitution in obedience to the foregoing order.

On motion of Mr. **Garrett**,

Ordered, That one hundred and twenty copies of the Constitution, as amended, be printed for the use of the Convention.

Mr. **Stephenson** submitted the following:

Resolved, That a committee of members be appointed to ascertain and report the expenses of this Convention up to of the present month, inclusive, and no longer.

On motion of Mr. **Childress**, the Convention took up that part of the report of the Committee of the Whole, on the subject of enumeration and the apportionment of representation; which being read,

Mr. **Stephenson** thereupon offered the following in lieu of said report:

"In the year one thousand eight hundred and forty-two and within every subsequent term of ten years an enumeration of the qualified voters shall be made in such manner as shall be directed by law, or the General Assembly may take the enumeration made by the authority of the United States of such qualified voters instead thereof."

On motion of Mr **Huntsman**, said report and the proposed amendment, were laid on the table.

Mr **Fulton** moved that the Bill of Rights be stated the first article of the Constitution, and so printed; which motion prevailed.

On motion of Mr **Neil**, the resolution heretofore submitted by him on the subject of appointing jurors, was taken up and read.

And the question being put, "will the Convention adopt said resolution?" it was determined in the negative; ayes 7, noes 47.

The ayes and noes being demanded by Mr. **Neil**,

The affirmative voters are,

Messrs. Armstrong, Hill, Kelly, Neil, Smith, Smartt and Sharp; 7.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kincannon, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Marr, Nelson, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Scott, Ury, Whitson, White, Webster and Weakley; 47.

Mr. Fogg moved that the Convention take up the subject of imposing taxes, which motion prevailed; thereupon he offered the following amendment to be added to the twenty-seventh section of article second; to wit:

"The General Assembly shall have power to authorize the several counties and corporations in this State to impose taxes for county and corporation purposes, respectively, in such manner as shall be prescribed by law. And all property shall be taxed according to its value upon the same principles as are established in regard to State taxation."

And the question being had on the adoption of said amendment, it was determined in the affirmative.

On motion of Mr. Garrett, the resolution heretofore submitted by him on the subject of bank stock, was taken up and read, and the question being had, "will the Convention adopt said resolution?" it was determined in the affirmative.

Mr. Garrett further moved that said amendment be attached to the second article of the Constitution, and made the thirtieth section thereof; which motion prevailed.

On motion of Mr. Huntsman, the resolution submitted by him on the 25th July, in relation to the election of county officers, was taken up and read, and the question being had, "will the Convention adopt said resolution as an amendment to the Constitution?" it was determined in the affirmative; ayes 45, noes 5.

The ayes and noes being demanded by Mr. Stephenson,

The affirmative voters are,

Messrs. President (Carter), Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, McGaughey, Montgomery, Marr, Neil, Nelson, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Sharp, Scott, Ury, Whitson, White, Webster and Weakley; 45.

The negative voters are,

Messrs. Fulton, Kendall, Mabry, Purdy and Stephenson; 5.

On motion of Mr. Huntsman, the subject of enumeration and representation was again taken up.

Whereupon Mr. Huntsman offered the following, as an amendment to the second article of the Constitution and in lieu of Mr. Stephenson's amendment; to wit:

"An enumeration of the free taxable inhabitants and an apportionment of the representation in the General Assembly, shall be made in the year [illegible]and eight hun[illegible]rty-two, and within every subsequent term of ten years thereafter.

"The General Assembly shall provide for taking the enumeration, and shall apportion said representation agreeably to the principles of this Constitution."

And the question being had on receiving said proposed amendment in lieu of Mr. Stephenson's amendment, it was determined in the affirmative.

The question was then had, "will the Convention adopt said amendment as a part of said second section of the second article?" and determined in the affirmative.

Mr. **Fogg** offered the following as an amendment to the Constitution, to be inserted after the Declaration of Rights; to wit:

ARTICLE II.

Section 1. The powers of the Government shall be divided into three distinct Departments, the Legislative, Executive and Judicial.

Sec. 2. No person or persons belonging to one of these Departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted..

Mr. **Marr** moved to strike out the exception in said proposed amendment; which motion was lost.

Mr. **Gray** moved to add the word "after" to the word "herein" in said amendment; which motion was lost.

The question was then had on the adoption of said amendment of Mr. **Fogg**; and the same was adopted.

Mr. **Mabry** submitted the following:

Resolved, That the first election for Sheriffs, Clerks, and all other elections for civil officers, that is to be by the qualified voters, under the new Constitution, shall take place on the first Thursday and Friday in April one thousand eight hundred and thirty-five, and shall be then regulated in future by the Legislature at such time and places as may be prescribed by the Legislature: *provided*, the new Constitution shall be accepted or adopted.

And thereupon the Convention adjourned.

Monday, August 11, 1834.

The Convention met according to adjournment, and was opened with prayer by the Reverend Mr **Pitts**, of the Methodist Episcopal Church.

Mr. **Blount** submitted the following:

"1st. That the townships or valuation districts, at their annual meetings for the election of officers, shall choose three or more judicious freeholders, or other persons of known probity and good character, to hear and finally determine all appeals, relative to unjust assessments in cases of county taxes; which commissioners of appeal shall [illegible] that purpose, sit at some suitable time or times, to be by them appointed, and made known to the people of said district by advertisements set up at public places; and shall correct and adjust all such unjust assessments, according to the principles of justice and law applicable thereto, and the tax shall be collected accordingly, and not otherwise: and shall, moreover, file a copy of their proceedings, in all such cases of correction, with the clerk of the county court or county trustee, or with the clerk of the township meetings, for the inspection of any person concerned—the correction of unjust assessments should be provided for.

"2nd. That the Legislature be authorized and required to provide by law, that the respective county courts of this State shall elect one competent accountant, of reputed integrity and correct business habits, whose duty it shall be to take cognizance of the accounts, supported by vouchers of unexceptionable character, when rendered by executors, administrators, guardians and trustees of the estates of deceased persons of the county or elsewhere, to the adjusting of which they are acting executors, administrators, guardians or trustees, for settlement: that it be his duty to settle such accounts finally with them and report the same to the county court: that he be appointed for two years, take an oath of office to act faithfully, and to settle such accounts according to the very right of the matter and the law of the land, to the best of his knowledge: which accounts, so settled, shall remain in his office for inspection; and that the executor, administrator, guardian, or trustee, shall within three months after such settlement, give due notice in writing, to all persons entitled to shares of the estate, or to their guardians respectively, if residing within the State, and if not in the State, by public advertisement in some newspaper, that the account is lodged in said office for inspection; that said commissioner shall be allowed such fees as shall be allowed by law, to be paid by the parties concerned, or a moderate rate of commission on the amount of said accounts, to be allowed by the county court, only, to be paid by the parties themselves—(exceptions may, however, be made by persons concerned, to both sides of every such account, either denying the justice of the allowances made to the accountant, or alleging further charges against him; and the exceptions shall be heard in the county court; and thereupon the account shall be adjusted and settled according to the right of the matter and the law of the land)—the best security of the estates of orphans require that such provisions should be made the law of the land.

"3rd. In order that the freedom, rights and interests of the people of this State may be preserved inviolate forever, there shall be elected by joint vote of the Legislature, once in every   years, within the first week of, or during the first session held under this Constitution, and within the first week of, or during the session in every   years thereafter, five persons of undoubted probity and qualification, selected from different parts of the State by districts, to be laid off by the counties to compose each district, one member from each, but no member of the Legislature to be eligible; which body, of five members, shall be called a State Council, for correcting abuses; who shall meet together on the first Wednesday in January and June, ensuing their election; and whose duty it shall be, to inquire, from public data and legal testimony, whether the Constitution has been preserved inviolate during the last or preceding years, including the year of their service; and whether the legislative and executive branches of government have performed their duty as guardians of the rights of the people on the one hand, and whether on the other, they have assumed to themselves or exercised other or greater powers than they are entitled to possess and exercise by the Constitution: they are also to inquire, whether the public taxes have been justly laid, fully collected and duly accounted for, in all parts of the State; also to see and make known, in what manner the public moneys have been appropriated and disposed of: and likewise to examine and declare, whether the laws have been duly executed or not. For these purposes, they shall have power to send for persons, papers, and records: they shall have authority to pass public censures for malpractices, and to recommend to the Legislature the repealing such laws as shall appear to them to have been passed contrary to the principles of the Constitution; they shall also have power to order necessary prosecutions promptly against offenders against the law, when thus publicly ascertained to be in default; they shall also constitute the court, for the trial of impeachments, when necessary, and whenever called to sit as a court of impeachment, by proclamation of the Governor, they shall convene for that purpose at the time and place specified in the proclamation:—These powers they shall continue to have and exercise, under due responsibility for any abuse or neglect of them, for and during the space of one year, as a council, from their election, and no longer, except to sit as a court for the trial of impeachments, which they may hold at any time, when called, within the term of years they were elected for: But as a board or council, they shall sit only twice in that year, of their election, and then only for a reasonable length of time at each of those two sittings or sessions; and to be allowed a per diem pay as the law may direct for the time they may be employed at their sittings, and holding the court of impeachment.

"Said council shall also have power to recommend, at the instance of a specified majority of the people, (expressed at such time and manner under a general law to secure the right of voting to that end) the call of a Convention to amend the Constitution, to meet within two years after their sitting, or sooner, if it appears to them to be absolutely necessary to amend any article of that instrument which may be defective: they shall also have the power of explaining such articles as may be thought to be not clearly expressed, to the consideration of the Convention, and likewise the power of recommending such amendments as are necessary to be made, by a Convention, for the preservation of the rights and happiness of the people. But the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of the members of such Convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

"4th. Whereas it is declared in the Bill of Rights, unanimously adopted by this Convention as one article thereof, that all power is inherent in the people, and that all free governments are founded on their authority, and instituted by their consent, for their peace, safety and happiness, they being the only acknowledged and rightful sovereigns of a free, independent State, and the rightful and only owners of the State, of its government, of all the great community of public interests within the State; and that government being instituted for the common benefit: and whereas, to the ends of promoting the peace, safety and happiness, it is declared in said Bill of Rights, that the people have, at all times, an unalienable and indefeasible right to alter, reform, change, or abolish the government in such manner and time as they may think best and proper for themselves as a free and independent people, acknowledging no superior civil authority over them, and the doctrine of non-resistance against arbitrary exercise of power and oppression, being declared to be absurd, slavish and destructive to the good and happiness of mankind.

"And whereas it is provided in said declaration of rights reserved to the people, that they shall be secure in their liberty, rights of person, property, privileges and effects; and the Constitution otherwise and in a different article provides, that laws shall be made to support the privilege of free suffrage, prescribing the manner of regulating and conducting meetings of the electors, and prohibiting, under adequate penalties, all undue influence therein, from power, bribery, tumult, and other improper conduct; and whereas all reasonable laws, resolves and regulations for civil government should be made for the defence and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States: and whereas nothing can tend more effectually to promote the great ends of liberty, of equal rights, of the peace, order, power and happiness of the people in a just and harmonious manner, alluded to in the foregoing preamble, nor tend more to give and strengthen confidence in the provisions of this Constitution, than would that of submitting that result of the labors of this Convention to the good people of this State for their consideration, ratification or rejection, according to their right of exercising their own good will and pleasure to be expressed at general elections, to be held in the respective counties of this State, to be provided for to be held by an ordinance of this Convention for that purpose, therefore

"*Resolved*, That this Constitution be forthwith submitted to the good people of this State for their consideration, ratification or rejection, at a general meeting in the counties of the State, at a time to be set by an ordinance of this Convention, and if ratified by a majority of the votes of the people, it shall be the fundamental law of this State, and shall, after such ratification, be made publicly known as such by proclamation of the Governor to that effect.

"5th. Whereas it is absurd to expect obedience to the laws of the State, unless provision be made for a general distribution of them among the good people of the State, to the end that they have opportunities of knowing what the laws passed, from time to time, are—therefore, "*Resolved*, That the Legislature be authorized and required to provide by law, that within five years after the adoption of this Constitution, the body of our laws, civil and criminal, shall be revised, digested, and arranged under proper heads by persons appointed by the Legislature from time to time for that purpose: and that such laws be promulgated and distributed among the people of the several counties of the State, in such proportions and manner, and within such periods as the General Assembly by law directs: and that a like revision, promulgation and distribution shall be made within every subsequent period of fifteen years, for the valuable purpose of enabling the people to know what the existing laws they have, at the cost of the people, had passed, are, short of which provision or some such, nine-tenths of the people have not an opportunity of knowing what the laws they are to be governed by, without violation at their peril, are: justice requires such provision to be made.

Mr **Huntsman** submitted the following:

"*Resolved*, That when the Convention shall have finished reading the amended Constitution the second time, a committee consisting of seven be appointed to examine and fix in its proper place, each article and section; also to examine and correct the phraseology and arrange the sentences, &c. in their places, and report the same to the Convention for its third and last reading."

On motion of Mr **White**, Mr **Armstrong** was added to the Committee on Senatorial and Representative Districts.

On motion of Mr **Kimbrough**, the Convention took up the Constitution, as amended on its first reading:

And thereupon the first article being read,

Mr **John A. McKinney** moved to strike out from the twenty-first line of the thirty-first section thereof the words "the late"; which motion prevailed.

Mr **John A. McKinney** further moved to strike out the thirty-second section of said article; which motion was lost.

Mr **Armstrong** moved to add to the sixth section of said article the following:

"Except such jurisdiction as may be assigned by law to justices of the peace out of court."

Which motion was rejected.

The first article, as amended, was adopted.

Article second was next taken up,

And the first section thereof being read, was adopted.

The second section being read,

On motion of Mr **Fulton**, the word "expressly" in the third line thereof was stricken out.

Whereupon said section, as amended, was adopted.

The third section was adopted.

The fourth section being read,

Mr **Burton** moved to strike out the words "provided that any one of he small counties having two thirds of the ratio, shall be entitled to one member."

And the question being had on striking out, it was determined in the negative; ayes 15, noes 35.

The ayes and noes being demanded by Mr Burton,

The affirmative voters are,

Messrs. Allen, Burton, Cannon, Childress, Douglass, Fulton, Fogg, Ledbetter, McClellan, Richardson, Ridley, Stephenson, Ury, White, Webster and Weakley; 16.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Blount, Cahal, Cobbs, Cross, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Loving, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Purdy, Roadman, Robertson, Senter, Smartt, Sharp, Scott, Whitson and Walton; 35.

Mr Kimbrough moved to strike out the words "until the population of the State shall be one million and a half; and never thereafter more than ninety-nine."

Whereupon, Mr John A. McKinney offered the following, as a substitute of said section; to wit:

"Each county in the State shall have one member in the House of Representatives; and no county shall have more than one member."

Mr John A. McKinney moved a division of the question; which was accordingly ordered.

The question was then had on the first branch thereof, viz: "each county in the State shall have one member in the House of Representative"; which was determined in the affirmative; ayes 28, noes 24.

The ayes and noes being demanded by Mr John A. McKinney,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Blount, Cross, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Hess, Kelly, Kendall, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Roadman, Robertson, Stephenson, Senter, Smartt, Sharp, Scott and Whitson; 28.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Cannon, Childress, Cahal, Cobbs, Douglass, Fulton, Fogg, Gillespy, Humphreys, Kimbrough, Ledbetter, Neil, Purdy, Richardson, Ridley, Ury, Walton, White, Webster and Weakley; 24.

The question was then had on the last branch of said proposition; to wit: "and no county shall have more than one member"; and determined in the negative; ayes 17, noes 35.

The ayes and noes being demanded by Mr John A. McKinney,

The affirmative voters are,

Messrs President (Carter), Armstrong, Cross, Garrett, Gray, Hodges, Kelly, Kendall, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Stephenson, Sharp and Scott; 17.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Douglass, Fulton, Fogg, Gillespy, Gordon, Hill, Huntsman, Humphreys, Hess, Kimbrough, Ledbetter, Loving, Marr, Purdy, Roadman, Richardson, Ridley, Robertson, Senter, Smartt, Ury, Whitson, Walton, White, Webster and Weakley; 35.

Mr **Mabry** moved a reconsideration of the vote on the first branch of Mr John A. McKinney's proposition; which was ordered.

Mr **John A. McKinney** modified his proposition as follows:

"Each county in the State shall have one member in the House of Representatives, and the large counties shall have representation in proportion to their numbers, so that the whole number shall not exceed 75."

On motion of Mr **Childress**, said section together with the proposed amendment were laid on the table.

The fifth section being read,

Mr **Gray** moved to strike out the word "Representatives" for the purpose of inserting "Representation"; which was rejected.

Mr **Cahal** moved to strike out the word "thereafter"; which prevailed.

Mr **Robertson** moved to strike out the words "free taxable inhabitants", and insert the words "qualified voters"; which prevailed.

Mr **Purdy** moved to strike out the words "an enumeration of the qualified voters, and" in the first line of said fifth section; which was rejected.

The fifth section as amended was adopted.

The sixth section was read and adopted.

The seventh section being read,

Mr **Gray** moved to amend said section, by the following in lieu of the three first lines; to wit:

"The General Assembly shall, at the several periods of making the enumeration, fix by law the whole number of Senators, and shall divide the State into the same number of districts, as nearly equal in the number of qualified electors as may be, each of which districts shall be entitled to one Senator. When a district shall be composed of two or more counties, they shall be adjoining, and no county shall be divided in forming a district: *provided*, that the whole number of Senators shall never exceed one third the Representatives."

And the question being had on receiving said amendment, it was determined in the negative; ayes 23, noes 27.

The ayes and noes being demanded by Mr **Gray**,

The affirmative voters are,

Messrs. Armstrong, Bradshaw, Cahal, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Kelly, Kendall, Loving, McClellan, McGaughey, Roadman, Richardson, Stephenson, Senter, Smartt, Sharp, Scott, Whitson and Webster; 23.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Burton, Blount, Cannon, Childress, Cobbs, Douglass, Fulton. Fogg, Huntsman, Humphreys, Hess, Kimbrough, Ledbetter, Robert J. McKinney, Mabry, Marr, Neil, Purdy, Ridley, Robertson, Ury, Walton, White and Weakley; 27.

Mr **Alexander** offered the following amendment to said section; to wit: "*Provided*, That where a district is composed of two or more counties, they shall be adjoining, and that no county shall be divided in forming a district."

And the question being had, said amendment was received.

The seventh section as amended was read and adopted.

The eighth, ninth and tenth sections being read; in lieu of said sections, Mr Gray offered the following:

"The first election for senators and representatives shall be held on the first Thursday in August next. The second election shall be held on the first Thursday in August 1837. The third on the first Thursday in August 1840. And forever thereafter elections shall be held once in two years, on the first Thursday in August, and shall terminate the same day."

"The first session of the General Assembly shall commence on the first Monday in October 1835. The second on the first Monday in October 1837. The third on the first Monday in October 1840. And forever thereafter the General Assembly shall meet on the first Monday in October next ensuing the then election."

And the question being had on receiving said amendment, it was determined in the affirmative.

Mr John A. McKinney moved to strike out the word "October," which was rejected.

Mr John A. McKinney moved to strike out the word "two" and insert "three"; and the question being had thereon, it was determined in the negative; ayes 23, noes 29.

The ayes and noes being demanded by Mr John A. McKinney,

The affirmative voters are,

Messrs President (Carter), Bradshaw, Childress, Douglass, Garrett, Hill, Hess, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Neil, Roadman, Ridley, Robertson, Senter, Sharp, Walton and Weakley; 23.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Burton, Blount, Cannon, Cobbs, Cheatham, Fulton, Fogg, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Kelly, Loving, Mabry, Purdy, Richardson, Stephenson, Smith, Smartt, Scott, Ury, Whitson, White and Webster; 29.

The said sections as amended were adopted.

The eleventh section being read, Mr Gordon moved to insert the words "or district" after the word "county" in the fourth line thereof; which motion prevailed.

The eleventh section as amended was then adopted.

The twelfth section being read,

Mr Armstrong moved to strike out the word "thirty" from the fourth line, for the purpose of inserting "twenty-five": which was rejected.

Mr Fogg proposed the following amendment to said section; to wit:

"Senators shall be chosen by the qualified voters, for the term of four years, at the same time, in the same manner and at the same places, where they may vote for members of the House of Representatives; at the first session of the General Assembly after this constitution takes effect, the Senators shall be divided by lot, into two classes, the seats of the Senators of the first class shall be vacated at the expiration of two years, so that one half shall be chosen at every period of election, and a rotation thereby kept up. Such mode of classifying new additional Senators shall be observed, as will, as nearly as possible, preserve an equality of members in each class."

And the question being had on receiving said amendment, it was determined in the negative; ayes 15, noes 37.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. President (Carter), Childress, Cobbs, Fulton, Fogg, Garrett, Huntsman, Loving, Robert J. McKinney, John A. McKinney, Purdy, Roadman, Robertson, Ury and Weakley; 15.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Cheatham, Douglass, Gillespy, Gray, Gordon, Hodges, Hill, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, McClellan, Mabry, McGaughey, Marr, Neil, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Whitson, Walton, White and Webster; 37.

Mr Huntsman moved a reconsideration of the vote on striking out "thirty" and inserting "twenty-five" in the fourth line of said section; which was ordered.

And the question being had thereon, it was determined in the negative; ayes 23, noes 29.

The ayes and noes being demanded by Mr White,

The affirmative voters are,

Messrs. Armstrong, Alexander, Bradshaw, Blount, Cannon, Cheatham, Fulton, Garrett, Gillespy, Hill, Humphreys, Ledbetter, McClellan, Mabry, McGaughey, Purdy, Richardson, Ridley, Robertson, Stephenson, Smith, Scott and White; 23.

The negative voters are,

Messrs. President (Carter), Allen, Burton, Childress, Cobbs, Douglass, Fogg, Gray, Gordon, Hodges, Huntsman, Hess, Kelly, Kendall, Kimbrough, Loving, Robert J. McKinney, John A. McKinney, Marr, Neil, Roadman, Senter, Smartt, Sharp, Ury, Whitson, Walton, Webster and Weakley; 29.

The twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth, sections of the third article were severally read and adopted.

The twentieth section being read,

Mr Stephenson moved to strike out the first line thereof; which was rejected.

Mr Fogg moved to strike out from the first line of said section, the words "Each House shall mature its own bills," and insert the words "Every bill shall receive three several readings in each House," which was received, and said section as amended, was adopted.

The twenty-first, twenty-second, twenty-third and twenty-fourth sections, were severally read and adopted.

The twenty-fifth section being read,

Mr Hodges moved to fill the blank with the word "three."

Thereupon Mr Huntsman moved to lay said section on the table, which motion prevailed.

The twenty-sixth section being read,

Mr Smartt proposed to amend said section by adding the following; to wit: "And an accurate statement of the receipts and expenditures of the public money shall be attached to, and published with the laws at the rise of each stated session of the General Assembly;" which amendment was received; and said section, as amended, was adopted.

The twenty-seventh and twenty-eighth sections were severally read and adopted.

The twenty-ninth section being read,

Mr Ledbetter moved to strike out said section; which motion prevailed.

The thirtieth section was read and adopted.

The thirty-first section being read,

Mr White proposed the following in lieu of said section, viz:

"All lands liable to taxation in this state, held by deed, grant or entry, whenever the same shall be taxed, shall be taxed in proportion to their value; this value to be ascertained by classification, assessment or any other mode that the Legislature may from time to time think proper to adopt."

And the question being had on receiving said amendment, it was determined in the negative; ayes 12, noes 41.

The ayes and noes being demanded by Mr Hodges,

The affirmative voters are,

Messrs. Allen, Burton, Blount, Cobbs, Cheatham, Fulton, Fogg, Gordon, Kendall, Sharp, White and Weakley; 12.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Cannon, Childress, Douglass, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Scott, Ury, Whitson, Walton and Webster; 41.

Mr John A. M'Kinney moved to strike out the words "and such" from the first line of said thirty-first section; but before any action was had thereon,

The Convention adjourned.

Tuesday, August 12, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Kimbrough of the Baptist Church.

Mr Webster presented sundry memorials, signed by seven hundred and sixty-four citizens of Bedford county, in support of the special provisions reported by the select committee on new counties, and in support of the course pursued by the Delegates from said county on that subject:

Which were severally read and ordered to the table.

The Convention resumed the consideration of the proposition of Mr John A. M'Kinney, to strike from the first line of the thirty-first section of the second article the words "and such;" which proposition was varied Mr M'Kinney, by moving to amend the said thirty-first section, by by providing, that slaves, between the ages of twelve and fifty years, should be taxed:

Which motion prevailed.

Mr John A. M'Kinney moved further to amend said section, by adding thereto,

"But the Legislature shall have power to tax merchants and peddlers, and other privileges in such manner as they may, from time to time, direct."

In lieu of which, Mr Stephenson proposed the following:

"Provided the General Assembly shall have power to impose taxes at discretion, for license to hawk and peddle, upon merchants' license and upon license to exhibit shows, and for the suppression of all gambling establishments."

Whereupon the question was had, upon Mr Stephenson's proposition, and determined in the negative.

Mr Mabry moved to amend Mr M'Kinney's proposition, by the following; to wit:

"All slaves under the age of fifty years shall be valued and taxed according to their value."

Which motion was declared out of order by the chair.

The question then recurred upon the adoption of Mr John A. M'Kinney's proposition, and being had, was determined in the affirmative; ayes 40, noes 11.

The ayes and noes being demanded by Mr Allen,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Burton, Cannon, Childress, Cobbs, Cheatham, Douglass, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Hess, Kelly, Kendall, Kimbrough, Ledbetter, McClellan, John A. McKinney, Mabry, McGaughey, Neil, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Ury, White, Whitson, Walton, Webster and Weakley; 40.

The negative voters are,

Messrs. Allen, Alexander, Blount, Cross, Fulton, Fogg, Humphreys, Loving, Robert J. McKinney, Marr and Scott; 11.

Mr. Fulton proposed the following amendment, in lieu of all that part of the said thirty-first section, which precedes the word "and" in the sixth line thereof; to-wit:

"All lands liable to taxation in this State, held by deed, grant, or entry, and town lots, shall be taxed as near as may be according to their value; that value to be ascertained in such manner as shall be prescribed by law: that, when any species of personal property shall be taxed, the same shall be taxed according to its value, and taxes shall be equal and uniform throughout the State; and, in no instance, shall taxes, imposed upon personal property be greater, in proportion to its value, than the amount of taxes at the *same time* levied upon land."

And the question being had thereon, it was determined in the negative; ayes 17, noes 35.

The ayes and noes being demanded by Mr. Fulton,

The affirmative voters are,

Messrs. Allen, Burton, Cannon, Childress, Cobbs, Cheatham, Cross, Fulton, Fogg, Gordon, Humphreys, Hess, Ledbetter, Loving, Robertson, Ury and Webster; 17.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Blount, Douglass, Garrett, Gillespy, Gray, Hodges, Huntsman, Kelly, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Whitson, Walton, White and Weakley; 35.

Mr. Blount proposed to add the following proviso to the said thirty-first section; to wit:

"*Provided, nevertheless*, that no appropriation of public money, nor any tax law, shall ever be passed, when less than two-thirds of the members elected to either branch of the Legislature be present, and voting by yeas and nays, to be spread on the journals of each House: and *provided, further*, that, in the operation of the *ad valorem* tax, improvements on farms shall not be taxed; and as to improvements on town lots, it shall be lawful to tax them according to valuation, if the people within the corporation apply to the Legislature, to pass a law to authorize the corporation to do so: and *provided, also*, that the tax on black polls shall not be more than double the tax on white polls: and, that, in each county, there shall be appointed, by the county court, a board of three members, to be called a board of supervisors, whose duty it shall be to correct all unequal and unjust assessments made by assessors, in any case or instance of appeal made to said board; and that they shall keep a record of such corrections, in a well bound book, for public inspection; which board of supervisors shall also act for the correction of like errors in the assessment of county and corporation taxes; and that the members thereof shall be responsible for any neglect or abuse of trust confided to them; and that they shall [illegible] on oath, for faithful performance."

The question being had on receiving said amendment, the same was rejected.

Mr. Childress moved to add the words "shall be taxed" after the words "fifty years",

And the question being had thereon, said motion was rejected.

Mr. **Loving** moved to amend said section in the seventh line, so as to make it read "a tax on white polls": which was accepted.

Mr. **Armstrong** moved to strike out of said section the words "and a tax on white polls shall be laid, in such manner and of such amount, as the Legislature may from time to time direct:"

Thereupon the question was had, and it was determined in the negative; ayes 5, noes 47.

The ayes and noes being demanded by Mr. **Armstrong**,

The affirmative voters are,

Messrs. Armstrong, Cobbs, Cross, Mabry and Smith; 5.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Neil, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 47.

Mr. **Stephenson** moved to strike out the word "shall" from the seventh line, for the purpose of inserting the word "may"; which motion was rejected.

Mr. **Gordon** moved to insert the word "only," after the word "slaves" in the first line of said section: which motion was also rejected.

Mr. **Humphreys** proposed the following in lieu of the said thirty-first section; to wit:

"Lands and town lots liable to taxation shall be taxed according to the just value thereof; and slaves shall be subject to taxation according to their value: *Provided*, That the tax laid on the value of lands and slaves shall be equal; and *provided further*, that the tax shall be uniform throughout the State."

In lieu of which Mr. **Sharp** offered the following; to wit:

"All lands held by grant, deed or entry, shall be taxed according to quality, and shall be classed in four classes, first, second, third, and fourth: and town lots shall be taxed according to quality, and negroes shall be taxed equal to two hundred acres of land, and white polls no higher than one hundred acres of land."

And thereupon the question was had, "will the Convention receive said amendment?" and determined in the negative; ayes 8, noes 44.

The ayes and noes being demanded by Mr. **Sharp**,

The affirmative voters are,

Messrs. Allen, Blount, Cobbs, Cheatham, Fulton, Fogg, Sharp, and Weakley; 8.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Burton, Cannon, Childress, Cross, Douglass, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Purdy, Roadman

Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Scott, Ury, Whitson, Walton, White and Webster; 44.

The question then recurred upon the adoption of Mr. HUMPHREYS' proposition; and it being had thereon, was determined in the negative; ayes 13, noes 38.

The ayes and noes being demanded by Mr. HUMPHREYS,

The affirmative voters are,

Messrs. Allen, Armstrong, Alexander, Cobbs, Cheatham, Cross, Fogg, Humphreys, Loving, Marr, Smith, Ury and White; 13.

The negative voters are,

Messrs. President (Carter), Bradshaw, Blount, Cannon, Childress, Douglass, Fulton, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Hess, Kelly, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Whitson, Walton, Webster and Weakley; 38.

Mr. SCOTT moved to insert in the sixth line, after the word "value" the words "made taxable"; which motion was rejected.

Mr. WHITE moved to insert in the first line, after the word "lands" the words "liable to taxation"; which was accepted.

The question was then had on the adoption of said thirty-first section, as amended, and determinened in the affirmative; ayes 34, noes 18.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. President (Carter), Bradshaw, Cannon, Douglass, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Hess, Kelly, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Neil, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Scott, Whitson, Walton and Webster; 34.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Burton, Blount, Childress, Cobbs, Cheatham, Cross, Fulton, Fogg, Humphreys, Mabry, Smith, Sharp, Ury, White and Weakley; 18.

The thirty-second section being read,

Mr KIMBROUGH moved to insert "town" before the word "corporations", in the second line of said section; which motion prevailed: and thereupon said section, as amended, was adopted.

The thirty-third section was read and adopted.

The thirty-fourth section being read,

Mr. WALTON moved to strike out thereof all after the word "owners" in the second line; which motion was lost.

Thereupon Mr. ARMSTRONG moved to strike out the whole thirty-fourth section; and the question being had thereon, it was determined in the negative; ayes 24, noes 25.

The ayes and noes being demanded by Mr. ARMSTRONG,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Cross, Gillespy, Gray, Hill, Kelly, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Roadman, Richardson, Stephenson, Senter, Smartt, Sharp, Scott, Ury and Webster; 24.

The negative voters are,

Messrs. Alexander, Burton, Blount, Cannon, Childress, Cheatham, Douglass, Fulton, Fogg, Garrett, Gordon, Hodges, Huntsman, Humphreys, Hess, Kendall, Loving, Purdy, Ridley, Robertson, Smith, Whitson, Walton, White and Weakley; 25.

Mr. Mabry moved to amend said section, by adding the following thereto; to wit:

"And *provided* the said slave or slaves shall be removed out of the State of Tennessee."

And thereupon the question was had, and determined in the negative; ayes 22, noes 28.

The ayes and noes being demanded by Mr. Mabry,

The affirmative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Cannon, Douglass, Garrett, Hodges, Hill, Humphreys, Loving, McClellan, Mabry, Marr, Roadman, Ridley, Senter, Smartt, Sharp, Whitson and Weakley; 22.

The negative voters are,

Messrs. Armstrong, Blount, Childress, Cheatham, Cross, Fulton, Fogg, Gillespy, Gray, Gordon, Huntsman, Hess, Kelly, Kendall, Kimbrough, Robert J. McKinney, McGaughey, Neil, Purdy, Richardson, Robertson, Stephenson, Smith, Scott, Ury, Walton, White and Webster; 28.

Mr Weakley moved to strike out all of said section, after the word "slaves"; and thereupon the question was had and determined in the negative; ayes 12, noes 40.

The ayes and noes being demanded by Mr Weakley,

The affirmative voters are,

Messrs. Alexander, Blount, Cannon, Childress, Cross, Douglass, Loving, Mabry, Marr, Smith, Webster and Weakley; 12.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Burton, Cobbs, Cheatham, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Ury, Whitson, Walton and White; 40.

Mr Webster proposed to amend said section, by adding the following thereto; to wit:

"*Provided*, that no tax shall ever be imposed on the property or polls in this State for the purpose of paying for emancipated slaves, nor shall any appropriation ever be made for that purpose, by which to draw money from the public treasury."

And thereupon the question was had and determined in the negative; ayes 20, noes 31.

The ayes and noes being demanded by Mr **Webster**,

The affirmative voters are,

Messrs. Alexander, Burton, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Huntsman, Kelly, Mabry, Marr, Purdy, Richardson, Ridley, Smith, Smartt, Sharp, Webster and Weakley; 20.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Cobbs, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Humphreys, Hess, Kendall, Kimbrough, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Roadman, Robertson, Stephenson, Senter, Scott, Ury, Whitson, Walton and White; 31.

Mr **Ridley** moved a reconsideration of the vote on striking out the latter clause in said section; which was ordered.

Mr **Huntsman** moved to strike out all of said section, after the word "owners" in the second line; and thereupon the question was had, and determined in the affirmative; ayes 28, noes 22.

The ayes and noes being demanded by Mr **Huntsman**,

The affirmative voters are,

Messrs. Alexander, Blount, Childress, Cobbs, Cheatham, Douglass, Gray, Gordon, Huntsman, Hess, Kelly, Kendall, Loving, Mabry, McGaughey, Marr, Purdy, Richardson, Ridley, Robertson, Smith, Smartt, Sharp, Ury, Walton, White, Webster and Weakley; 28.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Cannon, Cross, Fulton, Fogg, Garrett, Gillespy, Hodges, Humphreys, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Neil, Roadman, Stephenson, Senter, Scott and Whitson; 22.

Mr **Bradshaw** proposed the following amendment to said section; to wit:

"*Provided*, also, that horses, cows, and all other personal property, shall be secured to their respective owners in a similar manner."

Which proposition was rejected.

The question was then had, "will the Convention adopt said thirty-fourth section, as amended?" and determined in the affirmative; ayes 29, noes 22.

The ayes and noes being demanded by Mr **White**,

The affirmative voters are,

Messrs. Allen, Alexander, Blount, Cannon, Childress, Cobbs, Cheatham, Douglass, Fulton, Fogg, Gordon, Hodges, Huntsman, Humphreys, Hess, Kendall, Ledbetter, Loving, Mabry, Marr, Purdy, Ridley, Robertson, Smith, Sharp, Walton, White, Webster and Weakley; 29.

The negative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Cross, Garrett, Gillespy, Gray, Kelly, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Roadman, Richardson, Stephenson, Senter, Smartt, Scott, Ury and Whitson; 22.

The thirty-fifth section being read,

Mr **Garrett** moved to strike out the word "take" from the third line thereof, and insert the word "create": which motion prevailed.

Thereupon Mr **Armstrong** proposed the following in lieu of the three first lines of said section; to wit:

"No Bank shall be chartered in this State, without making the individual property of each Stockholder to the amount of his stock, liable for the redemption of notes issued by such Bank; and no Legislature shall charter more than one Bank at any one session, and that only at a regular session; and no Bank charter shall ever be renewed in this State."

To which proposed amendment, Mr **Fogg** offered the following as an amendment; to wit:

"Except with the assent of two-thirds of the members elected to each branch of the Legislature."

Which amendment was accepted.

Mr **Douglass** proposed to amend the proposition of Mr Armstrong, by adding the following; to wit:

"And *provided further*, That no Bank charter shall be granted with permission to issue in bills or create a liability upon said corporation in any way to a greater amount than twice the stock in gold and silver in Bank."

But before any action was had thereon,

The Convention adjourned.

Wednesday, August 13, 1834.

The Convention met according to adjournment and was opened with prayer, by the Reverend Mr **Gwinn**, of the Methodist Episcopal Church.

The morning's business being through, the Convention resumed the consideration of the proposition of Mr **Douglass** to amend the amendment of Mr Armstrong, submitted on yesterday, in lieu of the thirty-fifth section of the second article of the amended Constitution; and after some discussion had thereon, the arrival of the **President of the United States** in the city was announced.

Whereupon Mr **Burton** moved a recess until eleven o'clock; which motion prevailed.

At half past eleven o'clock, the **PRESIDENT OF THE UNITED STATES**, accompanied by Messrs Blount, Smith, Walton, Weakley and Gillespy (the Committee appointed for that purpose) entered the Hall of the Convention:

Whereupon Mr **Carter**, the President of the Convention, addressed him in the following terms; to wit:

The Assembly before which you stand, representing the People of the State of Tennessee in their highest political attitude, rise, Sir, to receive you within the hall of their sitting, and in behalf of themselves and their constituents, to express their undiminished confidence in your patriotism, and their profound respect for your public and private character.

It has been your lot, Sir, first at the head of an army, and subsequently as Chief Magistrate of the Nation, to be engaged in service, more arduous and critical, than has fallen to the duty of any citizen, save one, since the auspicious act of Confederation and Independence. Alike vigorous, decisive, honest and patriotic, in the Cabinet as in the Camp, it is your good fortune to have achieved a name commensurate with the existence of the Republic, and dear to a large majority of its citizens. That you may long live in the enjoyment of this enviable distinction, participating in the blessings of the Government which you fought for in youth and so nobly sustained in a late hour of peril, is, Sir, the ardent hope of this Assembly, and of the multitude who crowd around you.

In reviewing the many and important events, which have given renown to your career, we will not so offend against your own convictions of the fallibility of all human wisdom as to say, that you have not possibly erred in administering the many high and solemn functions, that have been submitted to your care by a confiding Country; that you have not done so (if at all) from improper or impure motives, is a declaration due to the acknowledged patriotism, that guides and directs your course in life. And though the bitterness of party may endeavor to detract from your merits and impeach your motives, the deliberate judgment of another generation, uninfluenced by the feelings of those who differ from and condemn you, will enrol your name with the long list of patriots, consecrated to fame and to the veneration of posterity.

In the mixed multitude before you and around, you can readily distinguish the companions and associates of your early life—men who have stood forth at your side, in the past hours of your perils and your triumphs, and their children who have grown up into life beneath your own eyes and observation—with one heart they now meet you, and tender the homage of affection, confidence and regard.

To which the President of the United States made the following reply:

Sir:—

I receive the greeting which you have been pleased to tender me on this occasion, with feelings too strongly excited, by the imposing character of the body in whose behalf it is offered and by the various associations which it recalls to my mind, to enable me, I fear, to make an adequate acknowledgment.

I meet you, Sir, and the august body over which you preside, as the representatives of the people whose partiality and confidence, far exceeding my claims, first brought me into public notice, and who have, since, in every visissitude of fortune, uniformly sustained me with an ardor of friendship and generosity of fellow feeling that never can be requited. To you and to them let me say, that in no situation in which I have ever been placed, have I lost sight of the responsibility which was due to them. I have ever been mindful that it was on the faith of their character that mine rested, in a great degree, to do whatever good or evil was to be the result of my labors in the service of our common country. When assured then, by you, that these labors, notwithstanding the defect of judgment which they doubtless too often manifest, are yet worthy of the public approbation, I feel that I have been fortunate, and that the reward as well as the stewardship which was too generously conferred, is disproportionate to my merit.

Allow me, Gentlemen, to express the hope, that your acts in the Convention, may be crowned with success, and that, in all time to come, the free people of Tennessee, whilst enjoying the prosperity and happiness which are the reward of wise and equal laws and a steady and virtuous administration of them, may remember each and all of you as their benefactors.

The Convention then, on motion of Mr McClellan, adjourned.

THURSDAY, August 14, 1834.

The Convention met according to adjournment, and was opened with prayer by the Rev. Mr Senter, of the Methodist Episcopal Church.

Mr Webster presented memorials from three hundred and twenty-one citizens of Bedford county, in support of the special provisions, reported by the select committee on new counties, and in support of the course pursued by the Delegates from said county on that subject:

Said memorials were on motion of Mr Webster, ordered to the table.

The Convention then resumed the consideration of the thirty-fifth section of the second article, and the several amendments proposed in lieu.

Mr Weakley moved to lay the several amendments on the table: which motion prevailing,

Mr Weakley moved to strike out the whole of said thirty-fifth section; and the question thereon being had, it was determined in the affirmative; ayes 29, noes 25.

The ayes and noes being demanded by Mr Senter,

The affirmative voters are,

Messrs. Allen, Alexander, Childress, Cross, Fulton, Fogg, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Ledbetter, Loving, Purdy, Richardson, Ridley, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 29.

The negative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Burton, Blount, Cannon, Cobbs, Cheatham, Douglass, Garrett, Hodges, Kincaid, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Roadman, Robertson, Stephenson, Senter and Smith; 25.

Mr Allen thereupon submitted the following, as substitute for the said thirty-fifth section; to wit:

"No bank shall ever be chartered, that does not subject the individual property of the stockholders, in proportion to their stock, to the payment of all notes, debts and liabilities created by the bank in its corporate capacity, when its effects are found insufficient to discharge the same."

Mr Joan A. McKinney moved to amend the foregoing, by inserting, after the words "in proportion", the words "and to the amount"; which motion was rejected.

Mr **Blount** moved to amend, by adding thereto the following; to wit:

"Nor shall any bank hereafter chartered be re-chartered until it shall have fully and notoriously wound up it affairs, and settled all debts against it."

Which was also rejected.

The question then recurring upon the adoption of Mr Allen's proposition; and being thereupon had, was determined in the negative; ayes 25, noes 28.

The ayes and noes being demanded by Mr **Allen**,

The affirmative voters are,

Messrs President (Carter), Allen, Armstrong, Bradshaw, Blount, Cannon, Cheatham, Douglass, Garrett, Hodges, Hill, Kincaid, Kimbrough, McClellan, John A. McKinney, Mabry, McGaughey, Marr, Neil, Richardson, Robertson, Stephenson, Senter, Smith and Smartt; 25.

The negative voters are,

Messrs Alexander, Childress, Cobbs, Cross, Fulton, Fogg, Gillespy, Gray, Gordon, Huntsman, Humphreys, Hess, Kelly, Kendall, Ledbetter, Loving, Robert J. McKinney, Purdy, Roadman, Ridley, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 28.

Mr **Gordon** moved a reconsideration of the vote on striking out the thirty-fifth section: which the Convention refused to grant.

Mr **Kincaid** proposed the following to constitute an additional section to said second article; to wit:

"No bank charter shall ever be granted by the Legislature, which shall not make the stockholders thereof liable in their individual property, to the extent that the stockholders in the Union Bank of Tennessee are liable in their individual property, for the redemption of the notes and other liabilities of said bank."

And thereupon the question was had, and determined in the affirmative; ayes 29, noes 25.

The ayes and noes being demanded by Mr **Kincaid**,

The affirmative voters are,

Messrs. Allen, Bradshaw, Burton, Blount, Cannon, Childress, Douglass, Garrett, Gordon, Hodges, Hill, Huntsman, Kelly, Kincaid, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Neil, Roadman, Richardson, Ridley, Stephenson, Smith, Smartt and Webster; 29.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Cobbs, Cheatham, Cross, Fulton, Fogg, Gillespy, Gray, Humphreys, Hess, Ledbetter, Loving, Mabry, Purdy, Robertson, Senter, Sharp, Scott, Ury, Whitson, Walton, White and Weakley; 25.

And so the amendment was adopted.

Mr **Allen** thereupon moved a reconsideration of the vote adopting the foregoing proposition; and the question "will the Convention reconsider" being had thereon, it was determined in the affirmative; ayes 37, noes 17.

The ayes and noes being demanded by Mr **Kincaid**,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Burton, Cannon, Childress, Cobbs, Cheatham, Cross, Fulton, Fogg, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kimbrough, Ledbetter, Loving, McGaughey, Marr, Purdy, Roadman, Robertson, Stephenson, Senter, Smith, Sharp, Scott, Ury, Whitson, Walton, White and Weakley; 37.

The negative voters are,

Messrs. Bradshaw, Blount, Douglass, Garrett, Hodges, Kelly, Kincaid, Kendall, McClellan, Robert J. McKinney, John A. McKinney, Mabry, Neil, Richardson, Ridley, Smartt and Webster; 17.

Mr Humphreys moved to take up the amendments submitted by Messrs Armstrong and Douglass: which motion prevailing, the said amendments were accordingly taken up and severally read.

Whereupon Mr Humphreys moved, that they, together with Mr Kincaid's proposition, be laid on the table until the first day of January next: and thereupon the question was had, and determined in the affirmative; ayes 31, noes 23.

The ayes and noes being demanded by Mr Humphreys,

The affirmative voters are,

Messrs. Allen, Alexander, Burton, Childress, Cobbs, Cross, Fulton, Fogg, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Ledbetter, Loving, Purdy, Ridley, Robertson, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 31.

The negative voters are,

Messrs President (Carter), Armstrong, Bradshaw, Blount, Cannon, Cheatham, Douglass, Garrett, Hodges, Kincaid, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Roadman, Richardson, Stephenson, Senter and Smith; 23.

Mr John A. McKinney thereupon submitted the following, as an additional section to said second article; to wit:

"The private or local laws passed by the Legislature, shall not be printed at the public expense."

Mr Stephenson proposed to amend the foregoing, by adding thereto the following; to wit:

"But the Legislature shall cause to be published, a synopsis of such private or local laws and resolutions as may be passed at each session; with the public acts."

Which being accepted by Mr McKinney, the question was submitted, "will the Convention adopt the proposition?" and the motion was lost; the vote being, ayes 25, noes 25.

The ayes and noes being demanded by Mr McKinney,

The affirmative voters are,

Messrs. President (Carter), Blount, Cheatham, Fulton, Garrett, Hill, Huntsman, Kelly, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Neil, Roadman, Ridley, Robertson, Stephenson, Senter, Smartt, Walton, Webster and Weakley; 25.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Burton, Cannon, Cobbs, Cross, Douglass, Gillespy, Gray, Gordon, Hodges, Humphreys, Kincaid, Loving, Mabry, Purdy, Richardson, Smith, Sharp, Scott, Ury, Whitson and White; 25.

The fourth section of the second article, with the several amendments thereto proposed, were taken up, on motion of Mr **Hess**, and again ordered to the table: and, on motion of **John A. McKinney**, made the order of the day for to-morrow.

The Convention proceeded to the consideration of the third article of the amended Constitution; and thereupon the first, second, third, fourth, fifth and sixth sections were severally read and adopted.

The seventh section being read,

Mr **Smith** proposed the following amendment thereto; to wit:

"The compensation of the Governor shall not exceed the sum of one thousand five hundred dollars per annum, until the year one thousand, eight hundred and forty-two."

And the sense of the Convention being thereon had, the said amendment was rejected.

Whereupon the said seventh section, together with the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth sections were severally read and adopted.

The seventeenth section of the same article being read,

Mr **Mabry** moved to amend, by adding thereto, after the word "appointed," the words "by the Governor."

In lieu of which, Mr **Humphreys** moved to insert the following: "by the qualified voters, and commissioned by the Governor."

And thereupon the question was had and determined in the negative; ayes 19, noes 31.

The ayes and noes being demanded by Mr **Hodges**,

The affirmative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Cross, Gillespy, Hodges, Hill, Humphreys, Kimbrough, Ledbetter, Mabry, Neil, Purdy, Ridley, Smith, Sharp, Scott and Webster; 19.

The negative voters are,

Messrs. President (Carter), Blount, Cannon, Childress, Cheatham, Douglass, Fulton, Fogg, Garrett, Gray, Gordon, Huntsman, Hess, Kelly, Kincaid, Kendall, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Roadman, Richardson, Robertson, Stephenson, Senter, Ury, Whitson, Walton, White and Weakley; 31.

And so said amendment was rejected.

Whereupon Mr **Robertson** proposed inserting the words "by joint vote of the General Assembly," in lieu of the proposition of Mr **Mabry**: and the sense of the Convention being thereupon had, the said proposition was received.

The said seventeenth section was thereupon read, as amended, and adopted.

The first section of the fourth article being read, Mr **Webster** proposed to insert the words "or may be", in the sixth line, after the word "now."

And the question being thereupon had, the said proposition was rejected.

Mr **Fogg** proposed to strike out the words "an inhabitant" from the second line of said section, and to insert the words "a citizen"; and the sense of the Convention being had thereon, said motion prevailed.

Mr **Ridley** moved to strike out, from the ninth line of said section, the following words; to wit: "and that they also be exempt from paying a free poll tax"; which was rejected.

The said first section, as amended, was adopted.

The second section was read and adopted.

The third section being read,

Mr **Hodges** moved to strike out the latter clause thereof, and to insert the words "all elections shall be *viva voce.*"

And thereupon the question was had and determined in the negative; ayes 20, noes 33.

The ayes and noes being demanded by Mr **Hodges**,

The affirmative voters are,

Messrs. Armstrong, Fulton, Garrett, Gillespy, Hodges, Hill, Humphreys, Kincaid, Kimbrough, Ledbetter, McClellan, John A. McKinney, Mabry, Roadman, Richardson, Ridley, Senter, Smartt, Sharp and Webster; 20.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Fogg, Gray, Gordon, Huntsman, Hess, Kelly, Kendall, Loving, Robert J. McKinney, McGaughey, Marr, Neil, Purdy, Robertson, Stephenson, Smith, Scott, Ury, Whitson, Walton, White and Weakley; 33.

Whereupon Mr **McClellan** proposed the following amendment thereto; to wit:

"All other elections shall be by ballot until the year 183 ; in which year the method of voting, by *viva voce* or by ballot, shall be finally established by the General Assembly."

And the sense of the Convention being thereupon had, the said proposition was rejected.

The third section was thereupon adopted.

The first section of the fifth article was read and adopted.

The second section of the fifth article being read,

Mr **Huntsman** proposed the following amendment thereto; to wit:

"To constitute a court for the trial of impeachments, the Senate shall elect from their own body one-third of the whole number elected; but, in selecting said number, it shall require the concurrence of two-thirds of said Senators."

And thereupon the question was had, and said proposition was rejected.

The said second section was then adopted.

The third section was read and adopted.

The fourth section being read,

Mr **Webster** moved to strike out thereof the words "circuit court", and insert the words "inferior courts"; which motion prevailed.

The said fourth section was then read, as amended, and adopted.

The fifth section was read and adopted.

The first section of the sixth article being read,

Mr **Alexander** moved to insert the word "special" in the second line thereof, between the words "such" and "inferior"; which motion was rejected.

Mr **Humphreys** proposed the following amendment thereto; to wit:

"The Legislature may also vest such jurisdiction as shall be deemed necessary in corporation courts, and in the magistrates who may belong to corporate bodies"; and thereupon the question was had, and determined in the negative; ayes 26, noes 27.

The ayes and noes being demanded by Mr **Burton**,

The affirmative voters are,

Messrs. President (Carter), Alexander, Blount, Cannon, Childress, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Hodges, Hill, Huntsman, Humphreys, Kelly, Loving, Purdy, Ridley, Robertson, Smartt, Sharp, Ury, Walton, Webster and Weakley; 26.

The negative voters are,

Messrs. Allen, Armstrong, Bradshaw, Burton, Douglass, Gray, Gordon, Hess, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Roadman, Richardson, Stephenson, Senter, Smith, Scott, Whitson and White; 27.

The said first section was then adopted.

The second section of the sixth article being read,

Mr **Huntsman** moved to strike out the third line thereof, and insert the following; "except such original jurisdiction as may be necessary to carry their orders, judgments or decrees into effect": which motion was rejected.

Mr **Fulton** then moved to strike out of said section the words, "one of whom shall reside in each of the grand divisions of the State"; and thereupon the question was had and determined in the negative; ayes 14, noes 38.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. Burton, Childress, Cheatham, Douglass, Fulton, Fogg, Gordon, Kincaid, Ledbetter, Robertson, Sharp, Ury, White and Weakley; 14.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Blount, Cannon, Cross, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Purdy, Roadman, Richardson, Ridley, Stephenson, Smith, Smartt, Scott, Whitson, Walton and Webster; 38.

The said second section was adopted.

The third section being read,

Mr Stephenson moved to strike out therefrom the words "so long as said courts are continued by the Legislature"; which motion was rejected.

Mr Fulton moved to strike out the words "and re-eligible" from the tenth, fourteenth and twenty-first lines of said section; which motion prevailed.

Mr Stephenson moved to strike out from the tenth line of said section the word "twelve" for the purpose of inserting the word "ten"; which motion was rejected.

Mr McGaughey moved to strike out of said section the words "but two-thirds of all the members elected to each House must concur in such vote"; and to insert the following, "but two-thirds of all the members present must concur in said vote"; which motion was rejected.

Mr Robertson moved to strike out of said section the latter clause thereof, from the words "*pro tempore.*"

And thereupon the question was had, and determined in the negative; ayes 23, noes 28.

The ayes and noes being demanded by Mr. Robertson,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Cannon, Douglass, Gillespy, Gray, Hodges, Kimbrough, McClellan, John A. McKinney, Mabry, McGaughey, Neil, Roadman, Richardson, Robertson, Stephenson, Senter, Smith, Sharp and Walton; 23.

The negative voters are,

Messrs. Alexander, Burton, Blount, Childress, Cheatham, Cross, Fulton, Fogg, Garrett, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Ledbetter, Loving, Marr, Purdy, Ridley, Smartt, Scott, Ury, Whitson, White, Webster and Weakley; 28.

The said third section was then adopted.

The fourth section being read,

Mr. Loving moved to strike out the words "increased or" from the second line; and thereupon the question was had, and determined in the negative; ayes 11, noes 41.

The ayes and noes being demanded by Mr. John A. McKinney,

The affirmative voters are,

Messrs. Burton, Cannon, Childress, Fulton, Fogg, Garrett, Huntsman, Loving, Robert J. M'Kinney, Robertson and Ury; 11.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Blount, Cheatham, Cross, Douglass, Gillespy, Gray, Gordon, Hodges, Hill, Humphreys, Hess, Kelly, Kincaid, Kimbrough, Ledbetter, McClellan, John A. M'Kinney, Mabry, McGaughey, Marr, Neil, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Whitson, Walton, White, Webster and Weakley; 41.

The said fourth section was then adopted.

The fifth section was read and adopted.

The sixth section being read;

Mr. **Garrett** moved to strike out the words "state the testimony and"; and thereupon the question was had, and determined in the negative; aye 1, noes 50.

The ayes and noes being demanded by Mr. **Garrett**,

The affirmative voter is,

Mr. Garrett; 1.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Cannon, Childress, Cheatham, Cross, Douglass, Fulton, Fogg, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Robert J. M'Kinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 50.

The said sixth section was then adopted.

The seventh section was read and adopted.

The eighth section being read,

Mr. **Hess** moved to insert in the second line thereof, the words "either of" after the word "where"; which motion prevailed.

Mr. **Fogg** proposed to amend said section by adding the following thereto; to wit:

"In case of sickness of any of the Judges of the supreme or inferior courts, so that they or any of them are unable to attend, the Legislature shall be authorised to make provision by general laws, that special Judges may be appointed to attend the courts when such casualties occur."

And thereupon the question was had, "will the Convention accept said amendment?" and determined in the affirmative.

Mr. **Huntsman** moved to strike out from the ninth line of said section, the word "courts" and insert the words "said Judges or any of them"; which motion prevailed.

The eighth section, as amended, was read and adopted.

The ninth section was read and adopted.

The tenth section being read, Mr. **Stephenson** moved to strike out the words "and be re-eligible"; which motion prevailed.

Mr. **White** then moved to insert the words "of duty" after the word "neglect", in the seventh line of said section: which motion prevailed.

Mr. **McClellan** moved to amend said section, by striking therefrom the word "four" and inserting in its stead the word "six"; so as to provide that clerks of inferior courts should be elected for the term of six years: and thereupon the question was had, and determined in the negative; ayes 20, noes 32.

The ayes and noes being demanded by Mr. **Hodges**,

The affirmative voters are,

Messrs. Alexander, Burton, Cannon, Childress, Cheatham, Douglass, Fulton, Fogg, Garrett, Gordon, Huntsman, Kelly, Ledbetter, Loving, McClellan, Stephenson, Smartt, Ury, Walton and Weakley; 20.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Blount, Cross, Gillespy, Gray, Hodges, Hill, Humphreys, Hess, Kincaid, Kimbrough, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Purdy, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Sharp, Scott, Whitson, White and Webster; 32.

On motion of Mr. **Mabry**, the said section was further amended, by inserting the word "incompetency" after the word "malfeasance" in the seventh line.

The said section was further amended, on motion of Mr. **John A. McKinney**, by striking from the second line thereof the words "if any such court be" and inserting "if courts of chancery shall be established."

Mr. **Hodges** moved further to amend the said section, by providing that the clerks of the supreme and chancery courts shall be elected for the term of four instead of six years; which motion was rejected.

The said tenth section was thereupon read, as amended, and adopted.

The eleventh section was also read and adopted.

The twelfth section of said article being read, Mr. **White** moved to amend by striking therefrom so much thereof as provides that "justices of the peace shall receive compensation for their services:"

And before the question was had thereon,

The Convention adjourned.

Friday, August 15, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. **Hess** of the Cumberland Presbyterian Church.

Mr. **Loving** submitted the following:

"*Resolved*, That a committee of   be appointed to draft and prepare a suitable preamble for the new Constitution."

The Convention resumed the consideration of the motion of Mr. White, to strike from the twelfth section of the sixth article of the amended Constitution, so much thereof as provides "that Justices of the Peace shall receive compensation for their services."

Mr. **Robertson** moved to amend the said twelfth section, by striking therefrom the words "a compensation to be ascertained by law," and inserting in lieu, the following: "such fees as may be prescribed by law."

Mr. **McClellan** moved a division, which motion prevailing, the Chair decided the proposition of Mr. Robertson to be out of order.

The question was then had upon the motion of Mr. White, and determined in the affirmative; ayes 35, noes 17.

The ayes and noes being demanded by Mr **Stephenson**,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Gillespy, Gray, Gordon, Huntsman, Humphreys, Hess, Kendall, Kimbrough, Ledbetter, McClellan, Mabry, McGaughey, Marr, Purdy, Stephenson, Smith, Smartt, Ury, Walton, White and Webster; 35.

The negative voters are,

Messrs. Alexander, Garrett, Hodges, Hill, Kelly, Kincaid, Loving, Robert J. McKinney, Neil, Roadman, Richardson, Ridley, Robertson, Senter, Sharp, Whitson and Weakley; 17.

Whereupon Mr. **Robertson** moved to insert in lieu of the words stricken out, the following; to wit:

"Shall receive for their services such fees as shall be prescribed by law."

Mr. **Neil** proposed to amend the proposition of Mr. Robertson, by adding the following; viz:

"In the way of fees for services rendered."

In lieu of said amendments, Mr. **Kincaid** offered the following; to wit:

"The Legislature shall allow the Justices of the Peace reasonable fees, for such services as shall be performed by them, which services and fees shall be designated by law, and shall be paid by the party or parties for whom the services were rendered."

Whereupon Mr **Burton** moved that all the propositions to amend said section, in relation to allowing compensation to Justices of the Peace for their services, be laid on the table until the first day of January next.

And thereupon the question was had and determined in the affirmative; ayes 30, noes 21.

The ayes and noes being demanded by Mr. **Senter**,

The affirmative voters are,

Messrs. President (Carter), Allen, Bradshaw, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Fulton, Fogg, Gray, Gordon, Huntsman, Humphreys, Hess, Kendall, Ledbetter, McClellan, Mabry, McGaughey, Marr, Purdy, Stephenson, Smartt, Ury, Walton, White and Webster; 30.

The negative voters are,

Messrs. Armstrong, Alexander, Garrett, Gillespy, Hodges, Hill, Kelly, Kincaid, Kimbrough, Loving, Robert J. McKinney, Neil, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Sharp, Whitson and Weakley; 21.

Mr. **Stephenson** moved to strike out from the sixth line of said twelfth section, the word "six"; for the purpose of inserting the word "eight"; which was rejected.

Whereupon Mr. **Kimbrough** moved to strike out from the sixth line of said section the word "six", for the purpose of inserting the word "four"; which was also rejected.

Mr. **Robertson** proposed to amend said section by inserting the following after the word "mile", in the third line thereof; to wit: "and that a precinct election be established in each district"; which was also rejected.

Mr **Burton** offered the following, in lieu of said twelfth section; to wit:

"There shall be two justices of the peace and one constable elected for each captain's company, by the qualified voters therein, except for the company which includes the county town, which shall not exceed three justices and two constables. The justices of the peace shall be elected for the term of six, and the constables for the term of two years; and upon the removal of either of said officers from the bounds of the captain's company for which he shall have been elected, his office shall become vacant from the date of such removal."

Thereupon Mr **Alexander** moved to lay said amendment upon the table; which motion prevailed.

Mr **Weakley** then offered the following amendment to said section; to wit:

"The Legislature shall have power to provide for an additional number of justices of the peace in incorporated towns."

Mr **Webster** proposed to amend the amendment of Mr Weakley, by adding thereto the following; to wit:

"Not exceeding six; and *provided*, that in levying a tax for county purposes, no corporation shall give more than two votes."

Mr **Huntsman** moved a division of the question on Mr Webster's proposition; which the Convention refused to grant.

And thereupon the question was had on receiving Mr Webster's amendment and determined in the negative.

The question recurring on Mr Weakley's proposition and being had, was determined in the affirmative.

Mr **Hodges** moved the following as an additional amendment to said section:

"That the lawyers do the business of the justices of the different counties *gratis*, as they are more capable to do their business. The fee of lawyers, as it is, is plenty high to do all those duties."

Which was rejected.

Mr **Kincaid** moved to strike out of the fourth line of said section the words "shall be two justices of the peace and one constable elected in each district", and insert the following, "shall be justices of the peace and constables elected for the respective counties, two justices and one constable for each district, who shall be elected."

In lieu of which, and in lieu of the following words of said section; to wit: "so that the whole number in each county shall not be more than twenty-five, or four for every one hundred square miles", Mr **Blount** offered the following; to wit:

"And there shall be two justices of the peace and one constable elected in each district, except that including the county town, which shall elect three justices and two constables."

Which was accepted by Mr **Kincaid**.

Mr GORDON proposed the following amendment to said section, in lieu of Mr Kincaid's; which was accepted by Mr KINCAID, to be inserted after the word "constables" in the sixth line; to wit:

"Whose jurisdiction shall be co-extensive with the county."

Which was adopted.

Mr COBBS proposed the following further amendment to said section; to wit:

"In such elections, a majority of all the votes given shall be necessary to an election; and, upon a second voting, only the two highest, not having a majority for such office, shall be voted for."

Which was rejected.

The said twelfth section, as amended, was read and adopted.

Mr JOHN A. MCKINNEY submitted the following:

"*Whereas* the members of this Convention are worn down with bodily fatigue and mental exertion, and several members are now absent, by reason of indisposition of themselves or their families:

"*Resolved therefore*, That it is expedient, as soon as the amended Constitution shall be read through a second time, the Convention shall adjourn until the   day of January next; and that on the   day of November next, an election shall be held throughout the State, at the several precincts in each county, under the same rules as elections are held for members of the General Assembly. At which time, the amended Constitution shall be submitted to the qualified voters in each county in the State, to vote for or against its adoption. If it shall be adopted, then the Convention, when it meets again, shall proceed to lay off the senatorial and representative districts, and do whatever else may be necessary to put the Constitution into form, and provide for the meeting of the Legislature under the new Constitution.

"*Resolved, further*, That the expenses of the Members of the Convention, going home and returning, shall not be charged to the State, but shall be borne by the Members themselves."

The fourth section of the second article of the amended Constitution, which was ordered to the table on yesterday, and made the order for this day, was, on motion of Mr. LEDBETTER, then taken up and read.

In lieu of which section, Mr. JOHN A. MCKINNEY called up and proposed the following heretofore submitted by him; to wit:

"Each county in this State shall have one representative, and the large counties shall have representation in proportion to their numbers, so that the whole number shall not exceed seventy-five."

And thereupon the question was had, and determined in the negative; ayes 17, noes 38.

The ayes and noes being demanded by Mr. JOHN A. MCKINNEY,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Garrett, Gillespy, Hill, Kelly, McClellan, John A. McKinney, Marr, Roadman, Robertson, Stephenson, Senter, Smith, Smartt, Scott and Whitson; 17.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, Robert J. McKinney, Mabry, McGaughey, Neil, Purdy, Richardson, Ridley, Sharp, Ury, Walton, White, Webster and Weakley ; 38.

And so said amendment was rejected.

Mr. Garrett moved to strike from the fourth line of said section the words "and a half:"

And the question being thereon had, it was determined in the negative; ayes 11, noes 44.

The ayes and noes being demanded by Mr. Gray,

The affirmative voters are,

Messrs. President (Carter), Cahal, Fogg, Garrett, Gordon, Hess, Kelly, Loving, Marr, Purdy and Scott ; 11.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Fulton, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton, White, Webster and Weakley ; 44.

And so said amendment was rejected.

Mr. Robertson proposed to amend said section by striking therefrom the words "the population of the State shall be one million and a half"; and substituting therefor the words "the number of qualified voters in the State shall be one hundred and fifty thousand."

Mr. Huntsman moved a division ; which motion prevailing, the question was thereupon had on striking out, and determined in the negative.

Mr. Stephenson moved to strike from the third line of said section the words "seventy-five" and to insert "fifty."

Mr. Huntsman moved a division; which motion prevailing, the question was had on striking out, and rejected.

Mr. Gillespy thereupon submitted the following in lieu of said fourth section ; to wit :

"The number of representatives shall, at the several periods of making an enumeration, be apportioned among the several counties or districts, according to the number of qualified voters in each, and shall never exceed seventy until the population of the State shall be one million, and shall never thereafter exceed ninety : *provided*, that any one of the small counties, having two-thirds of the ratio, shall be entitled to one member."

And the sense of the Convention being thereon had, the said amendment was rejected.

The said fourth section was thereupon read and adopted.

The Convention next proceeded to the consideration of the seventh article.

The first section thereof being read,

Mr. ALEXANDER moved to strike therefrom that part thereof which provides "that no person shall be eligible to the office of Sheriff more than six years in any term of eight years:"

And the question thereon on being had, the said proposition was rejected.

Mr. CAHAL moved to amend said section by providing that the county Trustee shall be elected by the Justices of the Peace.

Which motion was also rejected.

Mr. WEBSTER moved to amend said section by providing for the election of a Tax Collector, and

Mr. ALLEN that of a Ranger, by the qualified electors:

Both of which were rejected.

The said first section was read, as amended, and adopted.

The second section being read,

Mr. CHILDRESS moved to strike out said section:

Which motion was rejected.

Mr. KINCAID moved to amend said section by inserting the words "any of the" after the word "for," in the fourth line thereof:

Which motion prevailed.

Mr. COBBS moved to amend said section by adding thereto the following; to wit:

"And until his successor shall be qualified in office:"

Which motion also prevailed.

Mr. MABRY moved further to amend said section by adding thereto the following; to wit:

"*Provided*, no *pro tem.* appointment shall continue longer than twelve months."

Which motion was rejected.

The question was then had, "will the Convention adopt said second section as amended?" and determined in the affirmative; ayes 33, noes 21.

The ayes and noes being demanded by Mr. MABRY,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Burton, Blount, Cahal, Cobbs, Fulton, Fogg, Garrett, Gordon, Huntsman, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Marr, Neil, Roadman, Stephenson, Senter, Smith, Smartt, Scott, Ury, Walton, White and Weakley; 33.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Cannon, Childress, Cheatham, Cross, Gillespy, Gray, Hodges, Hill, Hess, Mabry, McGaughey, Purdy, Richardson, Ridley, Robertson, Sharp, Whitson and Webster; 21.

And so said section as amended was adopted.

Mr. COBBS offered the following, as an additional section to said seventh article; to wit:

"In all elections by Justices, a majority of the whole number of votes given shall concur, for the election of any officer."

Which was rejected.

The third section being read,

Mr. BURTON moved to strike out the latter clause thereof, requiring the appointment of an Auditor of public accounts for the State: and thereupon the question was had and determined in the affirmative; ayes 29, noes 25.

The ayes and noes being demanded by Mr. BURTON,

The affirmative voters are,

Messrs. President (Carter), Alexander, Bradshaw, Burton, Cannon, Childress, Cross, Garrett, Gillespy, Gray, Hodges, Hill, Humphreys, Kelly, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Roadman, Richardson, Robertson, Stephenson, Senter, Sharp, Whitson and White; 29.

The negative voters are,

Messrs. Allen, Armstrong, Blount, Cahal, Cobbs, Cheatham, Fulton, Fogg, Gordon, Huntsman, Hess, Kincaid, Ledbetter, Loving, Marr, Neil, Purdy, Ridley, Smith, Smartt, Scott, Ury, Walton, Webster and Weakley; 25.

And so said motion prevailed.

Mr. ROBERTSON moved to amend said section by adding the words "be elected by the joint vote of both Houses of the General Assembly and shall" after the word "shall" in the first line thereof.

Which motion prevailed.

The third section was read as amended, and adopted.

The fourth section was read and also adopted.

The fifth section being read,

Mr. STEPHENSON moved to strike out said section:

Which motion was rejected.

And thereupon said fifth section was read and adopted.

And then the Convention adjourned.

SATURDAY, August 16, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Reverend Mr SENTER, of the Methodist Episcopal Church.

The morning's business being through, Mr. JOHN A. MCKINNEY moved to take up and consider the second section of the sixth article of the amended Constitution, which motion prevailing, the said section was accordingly read:

Whereupon Mr. JOHN A. MCKINNEY submitted the following, as an amendment thereto; to wit:

"Said court shall be held at such place in each of the three grand divisions of the State, as the Legislature shall direct, so that it shall not be held at more than three places in the State."

Mr. GRAY proposed the following as an amendment to the foregoing; to wit:

"And said court shall be holden twice in each year at the respective places of holding said court."

And the sense of the Convention being thereupon had, the said amendment was rejected.

The question then recurred upon the adoption of Mr. John A. McKinney's amendment; and and being thereupon had, it was determined in the affirmative; ayes 35; noes 22.

The ayes and noes being demanded by Mr. Stephenson,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gordon, Hodges, Huntsman, Humphreys, Kincannon, Loving, Robert J. M'Kinney, John A. McKinney, Mabry, Marr, Porter, Purdy, Roadman, Ridley, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 35.

The negative voters are

Messrs. President (Carter), Armstrong, Gillespy, Gray, Hill, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, McGaughey, Neil, Nelson, Richardson, Robertson, Stephenson, Senter, Smith, Smartt and Sharp; 22.

And so said amendment was adopted.

Mr Kincaid proposed furtherto to amend said section, by adding the following thereto; to wit:

"And shall be holden at Murfreesborough in Middle Tennessee, and at Jackson in the Western District, and at Knoxville in East Tennessee."

Mr Senter moved to strike out the word "Knoxville" and insert the word "Athens."

Mr Sharp moved to strike out "Jackson" and insert "Purdy."

Whereupon Mr Cheatham moved to lay said amendments on the table until the first day of January next.

And thereupon the question was had and determined in the affirmative; ayes 31, noes 24.

The ayes and noes being demanded by Mr Kincaid,

The affirmative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gordon, Huntsman, Humphreys, Kincannon, Loving, Robert J. McKinney, John A. McKinney, Porter, Purdy, Roadman, Sharp, Scott, Ury, Whitson. Walton, White and Weakley; 31.

The negative voters are,

Messrs. Armstrong, Gillespy, Gray, Hodges, Hill, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Mabry, McGaughey, Marr, Neil, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt and Webster 24.

And so said proposed amendment was laid on the table till the first day of January next.

Mr Huntsman moved to amend the amendment of Mr John A. McKinney, by providing that said court may be holden at two places in Middle Tennessee: and the question being thereupon had, was determined in the negative; ayes 20, noes 35.

The ayes and noes being demanded by Mr Smith,

The affirmative voters are,

Messrs. Armstrong, Cannon, Hill, Huntsman, Hess, Kelly, Kincaid, Kendall, Ledbetter, McClellan, McGaughey, Neil, Richardson, Robertson, Stephenson, Smith, Smartt, Scott, Webster and Weakley; 20.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Humphreys, Kincannon, Kimbrough, Loving, Robert J. McKinney, John A. McKinney, Mabry, Marr, Porter, Purdy, Roadman, Ridley, Senter, Sharp, Ury, Whitson, Walton and White; 35.

And so said amendment was rejected.

The eighth article was taken up,

And the first section thereof being read,

Mr Loving offered the following, in lieu of said section; to wit:

"The militia officers of the State shall be elected in such manner as shall be provided by the Legislature."

And thereupon the question was had, and determined in the negative; ayes 16, noes 39.

The ayes and noes being demanded by Mr Mabry,

The affirmative voters are,

Messrs. Cannon, Childress, Cahal, Cobbs, Fulton, Fogg, Garrett, Huntsman, Kendall, Loving, Purdy, Robertson, Scott, Ury, Walton and Weakley; 16.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cheatham, Cross, Gillespy, Gray, Gordon, Hodges, Hill, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, Mabry, McGaughey, Marr, Neil, Porter, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Whitson, White and Webster; 39.

And so said amendment was rejected.

The said first section was read and adopted.

The second section being read,

Mr Armstrong moved to strike out the words "their adjutants and quarter masters", from the third line thereof, and insert the words "shall appoint their staff officers."

Which motion prevailed.

The said second section, as amended, was read and adopted.

The third section being read,

Mr Robertson moved the strike the proviso therefrom:

Which motion prevailed.

Mr Mabry then moved to strike the remainder of said section:

Which motion also prevailed;

And so the whole of said third section was stricken out.

The fourth section was read and adopted.

The ninth article was next taken up;

And the first and second sections thereof were severally read and adopted.

The third section being read.

Mr **Cross** moved to strike out the words "after the adoption of this Constitution."

Which was rejected.

Mr **Fulton** moved to strike out from the first line thereof the words "being a citizen of this State, or a resident therein."

Which was also rejected.

Mr **Kincannon** offered the following as a substitute for the said section; to wit:

"The Legislature shall pass laws to prevent the odious practice of duelling."

And the question being thereupon had, it was determined in the negative.

Mr **Cobbs** moved to insert, after the word "knowingly" in the second line, the words "and maliciously."

Which was rejected.

Mr **Mabry** proposed the following in lieu of said section:

"The Legislature shall have power to pass laws to prevent duelling and all other infamous practices":

Which was also rejected.

The said third section was read and adopted.

The tenth article was then taken up:

And the first section being read,

Mr **Armstrong** proposed to amend said section, by the addition of the following; to wit:

"And also the following, "I, A, B, do solemnly swear (or affirm), that I have not directly or indirectly, given, promised, or bestowed, any gift or reward, in meat, drink, money or otherwise, under the expectation of its having any influence on the election, or with a view of gaining votes thereby."

And the question being thereon had, said proposition was rejected.

The said first section was adopted, without amendment.

The second section being read.

Mr **Cahal** moved to strike out of said section the words "I will in all appointments vote without favor, affection, partiality or prejudice and that":

Which motion was rejected.

Mr **Cobbs** moved to amend said section, by inserting, after the word "appointments," in the fourth line thereof the words "except in the case of a candidate from my own county or district, in which case I will act upon my own discretion or the wish of my constituents":

Which was also rejected.

Mr **John A. McKinney** proposed the following amendment to said section; to wit:

"And I do further swear that I have not, directly or indirectly, given or distributed any ardent spirits, to any person or persons, for the purpose of procuring votes in my election; nor have I given, nor am I to give, by myself or any other person, any money, for the purpose of procuring ardent spirits, to be given to the voters at my election."

And thereupon the question was had and determined in the negative; ayes 21, noes 32.

The ayes and noes being demanded by Mr John A. McKinney,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Blount, Fulton, Fogg, Garrett, Gillespy, Hill, Huntsman, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Neil, Roadman, Stephenson, Senter, Smith and Ury; 21.

The negative voters are,

Messrs. Allen, Alexander. Burton, Cannon, Childress, Cobbs, Cheatham, Cross, Gray, Gordon, Hodges, Humphreys, Hess, Kelly, Kincaid, Kendall, Ledbetter, Loving, Mabry, Porter, Purdy, Richardson, Ridley, Robertson, Smartt, Sharp, Scott, Whitson, Walton, White, Webster and Weakley; 32.

And so said amendment was rejected.

Mr Ridley moved to amend said section, by inserting, after the word "appointments", the following; to wit: "of Senators, Judges, State Attorneys, Treasurers."

Which was rejected.

The said second section was then adopted, without amendment.

The third section being read,

Mr Robert J. McKinney proposed the following amendment to said section; to wit:

"Any person violating the provisions of this section, shall be subject to prosecution, on indictment or presentment of the grand jury, as in other cases."

And thereupon the question was had, and determined in the negative; ayes 24, noes 29.

The ayes and noes being demanded by Mr Garrett,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Blount, Cheatham, Fogg, Garrett, Gillespy, Hill, Kelly, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Roadman, Stephenson, Senter, Smith, Scott, Whitson, Webster and Weakley; 24.

The negative voters are,

Messrs. Allen, Alexander, Burton, Cannon, Childress, Cobbs, Cross, Fulton, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kincaid, Ledbetter, Loving, Mabry, Neil, Porter, Purdy, Richardson, Ridley, Robertson, Smartt, Sharp, Ury, Walton and White; 29.

And so said amendment was rejected.

Mr Mabry moved to strike out the said third section:

And thereupon the question was had, and determined in the negative; ayes 2, noes 51.

The ayes and noes being demanded by Mr. Stephenson,

The affirmative voters are,

Messrs. John A. McKinney and Mabry; 2.

The negative voters are,

Messrs President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, McGaughey, Marr, Neil, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 51.

And so the Convention refused to strike out said section.

The said third section was then adopted, without amendment.

Mr **President** (**Carter**) offered the following as an amendment to the Constitution; to wit:

"The Legislature shall have no power to create any stock to be vested in any bank which would operate as a pledge of public faith, and subject the taxable polls and property within this State, to taxation for its redemption."

Mr **Cheatham** moved to lay said proposed amendment on the table; which motion prevailed.

The fourth section of the tenth article being read,

Mr **Garrett** moved to fill the blank with "four hundred"; which was rejected.

Mr **Mabry** moved to fill the blank with "eight hundred"; and the question thereupon was had, and determined in the negative; ayes 19, noes 33.

The ayes and noes being demanded by Mr **Garrett**,

The affirmative voters are,

Messrs. Burton, Childress, Cobbs, Cross, Fulton, Fogg, Gray, Hill, Kelly, Kendall, Ledbetter, Robert J. McKinney, John A. McKinney, Mabry, Porter, Ridley, Robertson, Stephenson and White; 19.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Blount, Cahal, Cheatham, Garrett, Gillespy, Gordon, Hodges, Huntsman, Hess, Kincaid, Kimbrough, McClellan, McGaughey, Marr, Neil, Purdy, Roadman, Richardson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, Webster and Weakley; 33.

And so the Convention refused to fill the blank with "eight hundred."

Mr **Roadman** moved to fill the blank with "six hundred";

Which motion was rejected.

Mr **Ledbetter** moved to fill the blank with "five hundred";

Which was also rejected.

Mr **Senter** moved to fill the blank with "four hundred and fifty";

Which motion prevailed.

Mr **White** moved to strike from said section, that part thereof which provides that old counties may be reduced to five hundred and fifty square miles; so as to provide that they shall not be reduced to a less content than six hundred and twenty-five square miles.

Mr **Armstrong** moved a division; which motion prevailing, the question was thereupon had on striking out, and determined in the affirmative; ayes 32, noes 21.

The ayes and noes being demanded by Mr. Garrett,

The affirmative voters are,

Messrs. Allen, Bradshaw, Burton, Blount, Cobbs, Cheatham, Fulton, Fogg, Gillespy, Gray, Gordon, Hodges, Hill, Humphreys, Kelly, Kendall, Kimbrough, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Neil, Porter, Purdy, Roadman, Robertson, Stephenson, Smartt, Scott, White and Weakley; 32.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Childress, Cahal, Cross, Garrett, Huntsman, Hess, Kincaid, Ledbetter, McClellan, Richardson, Ridley, Senter, Smith, Sharp, Ury, Whitson, Walton and Webster; 21.

And so the motion to strike out prevailed.

The question then recurred upon inserting the provision submitted by Mr White, and being thereupon had, it was determined in the affirmative; ayes 28; noes 25.

The ayes and noes being demanded by Mr White,

The affirmative voters are,

Messrs. Allen, Burton, Blount, Cobbs, Cheatham, Cross, Fulton, Fogg, Gillespy, Gordon, Hill, Huntsman, Humphreys, Kelly, Kendall, Kimbrough, Robert J. McKinney, John A. McKinney, Mabry, Marr, Neil, Porter, Roadman, Robertson, Stephenson, Smartt, White and Weakley; 28.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Cannon, Childress, Garrett, Gray, Hodges, Hess, Kincaid, Ledbetter, McClellan, McGaughey, Purdy, Richardson, Ridley, Senter, Smith, Sharp, Scott, Ury, Whitson, Walton and Webster; 25.

And the blank was filled with "six hundred and twenty-five."

On motion of Mr Webster, the following was added to said section; to wit:

"*Provided*, That the county of Bedford shall be an exception to the general rule herein contained, and may be reduced below six hundred and twenty-five square miles: but no new county line shall be run nearer than eleven and a half miles to the seat of justice of said county."

Mr Allen moved that the following be added to said section; to wit:

"*Provided*, That all that part of Smith county, which lies north of a direct east and west line, to be run across the county, from a point that will leave the present court house fifteen miles south of any part thereof; may of itself, or in conjunction with the territory of other adjoining counties, be formed into a separate county: *also*, all that part of Smith county which lies south of a direct east and west line, to be run across the county, from a point which will leave the present court house fifteen miles north of any part thereof, may of itself, or in conjunction with the territory of other counties, be formed into a separate county, in such manner as the Legislature may hereafter direct: whenever it shall be made appear that a majority of the taxable inhabitants, within the bounds intended to be separated, consent thereto."

On motion of Mr **Fulton**, the said fourth section, as amended, together with the proposed amendment of Mr Allen, was laid on the table until Monday next.

On motion of Mr **Huntsman**, the resolution submitted by Mr Loving, on Friday last, on the subject of appointing a committee to draft a suitable preamble for the new Constitution was taken up and read.

Mr **Huntsman** moved to fill the blank with the word "three";

Which motion prevailed and said resolution was adopted.

Whereupon the President appointed Messrs. Loving, Scott and Robert J. McKinney to compose said committee.

On motion of Mr **Huntsman**, the resolution submitted by him on Monday last, on the subject of appointing a committee to examine and correct the phraseology of the new Constitution, after its second reading, was taken up and read.

Mr **Gordon** moved to strike out "seven" and insert "nine"; which was rejected.

Mr **Fulton** moved to strike out "seven" and insert "five"; which prevailing,

Said resolution was adopted.

Whereupon the President appointed Messrs. Huntsman, Fogg, John A. McKinney, White and Fulton to compose said committee.

On motion of Mr **Fulton**, it was

"*Ordered*, That sixty-five copies of the Constitution, as amended on its second reading, be printed for the use of the Convention, except the Bill of Rights."

And then the Convention adjourned.

Monday, August 18, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. **Kimbrough** of the Baptist Church.

Mr **Burton** submitted the following:

Resolved, That the Constitution of the State of Tennesssee, as amended by this Convention, be submitted to the people for their ratification or rejection; and that in order to carry into effect this resolve, the following ordinances shall be observed.

1st. *Ordered*, That it shall be the duty of the several Sheriffs, and in case of their death, resignation or removal, then of the several Coroners in each County in this State, under the penalty of five thousand dollars for a failure therein, to open and hold an election at the usual places of holding elections in their respective counties on the first Thursday and Friday in April one thousand eight hundred and thirty-five, for the purpose of taking the votes of such persons as may desire to vote for the adoption or rejection of this amended Constitution; *Provided*, That no person shall be considered a qualified voter in said election, except such as are made qualified voters by the provisions of the first section of the third article of the amended Constitution.

2d. *Ordered*, That it shall be the duty of the several Sheriffs, or in case of their death, resignation or removal, then of the several Coroners in this State, to deposite the original poll books of said election with the Clerk of their respective counties, and that said Sheriff or Coroner shall within five days after said election forward by mail, duplicate certificates of said election to the Secretary of State, and he shall likewise deposite one certificate of said election in the office of the Clerk of the county court, and it shall be the duty of said Clerk to certify a copy of said certificate forthwith to the office of the Secretary of State—upon the receipt of said returns, it shall be the duty of the Governor, and any one of the Judges of the supreme court, or one of the Chancellors, together with the Secretary of State, to compare the votes taken for and against the Constitution; and if it shall appear that a majority of all the votes given in said election is for ratifying this amended Constitution, then it shall be the duty of the Governor of this State forthwith to make proclamation of the fact, and in and by such proclamation, to command the Sheriffs and other officers directed by law to hold and superintend elections, under the penalty of five thousand dollars for failing to obey such command, to open the polls of election at the usual places of holding elections in their respective Counties on the first Thursday in August one thousand eight hundred and thirty-five, for the elections of Senators and Representatives to the General Assembly of the State of Tennessee fromthe several Districts and Counties as mentioned and described in this amended Constitution.

The Convention resumed the consideration of the amendment of Mr ALLEN to the fourth section of the tenth article; which being read, and thereupon the question was had, and determined in the affirmative; ayes 29, noes 22.

The ayes and noes being demanded by Mr ALLEN,

The affirmative voters are,

Messrs. President (Carter), Allen, Alexander, Burton, Cobbs, Cheatham, Douglass, Gillespy, Gray, Hill, Huntsman, Kelly, Kincaid, Kendall, Ledbetter, McClellan, John A. McKinney, McGaughey, Neil, Roadman, Richardson, Ridley, Stephenson, Senter, Sharp, Whitson, Walton, Webster and Weakley; 29.

The negative voters are,

Messrs. Armstrong, Bradshaw, Blount, Cross, Fulton, Fogg, Garrett, Gordon, Hodges, Humphreys, Kincannon, Kimbrough, Loving, Robert J. McKinney, Mabry, Porter, Purdy, Robertson, Smartt, Scott, Ury and White; 22.

And so said amendment was received.

Mr McCLELLAN moved that Sullivan county be added to the exceptions made in said fourth section; and the question thereon was had, and determined in the affirmative; ayes 32, noes 20.

The ayes and noes being demanded by Mr WHITE,

The affirmative voters are,

Messrs President (Carter), Armstrong, Alexander, Cobbs, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Kincannon, Kincaid, Kendall, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Nelson, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Whitson, Walton, Webster and Weakley; 32.

The negative voters are,

Messrs Allen, Bradshaw, Burton, Blount, Cheatham, Cross, Douglass, Fulton, Fogg, Gordon, Humphreys, Kimbrough, Loving, Mabry, Porter, Purdy, Robertson, Scott, Ury and White; 20.

Mr Walton moved that Sumner county be also added to the exceptions made in said fourth section; and thereupon the question was had, and determined in the negative; ayes 20, noes 34.

The ayes and noes being demanded by Mr White;

The affirmative voters are,

Messrs. Armstrong, Childress, Gillespy, Hill, Kelly, Kincannon, Kincaid, Kendall, McClellan, John A. McKinney, McGaughey, Neil, Purdy, Richardson, Ridley, Smith, Sharp, Walton, Webster and Weakley; 20

The negative voters are,

Messrs President (Carter), Allen, Alexander, Bradshaw, Burton, Blount, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gray, Gordon, Hodges, Huntsman, Humphreys, Kimbrough, Ledbetter, Loving, Robert J. McKinney, Mabry, Nelson, Porter, Roadman, Robertson, Stephenson, Senter, Smartt, Scott, Ury, Whitson and White; 34.

Mr Kincaid proposed the following amendment to said section; viz:

"The citizens who may be included in any new county which may hereafter be established shall vote with the county or counties from which they may have been stricken off, for members of Congress, for Governor, and of the General Assembly until otherwise provided by an apportionment of the representaion of the members of the General Assembly;

And the question being thereon had, said proposition was accepted.

Mr Richardson moved the following further amendment to said section; viz:

"The line of a new county may run within eleven miles of the seat of justice of Franklin county, provided that by so doing it does not reduce said county to less contents than six hundred and twenty-five square miles."

Which was also accepted.

Mr Kelly proposed the following, as a further amendment to said section, to be inserted after the word "miles" in the tenth line thereof; to wit:

"Nor less than one thousand taxable inhabitants, except in the special cases provided for in this section:"

And thereupon the question was had, and determined in the negative; ayes 24, noes 30.

The ayes and noes being demanded by Mr Garrett,

The affirmative voters are,

Messrs. Allen, Alexander, Burton, Childress, Cobbs, Cheatham, Cross, Douglass, Fogg, Gillespy, Gray, Hill, Humphreys, Kelly, Kendall, Ledbetter. Porter, Purdy, Roadman, Robertson, Stephenson, Smartt, Scott and White; 24.

The negative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Blount, Fulton, Garrett, Gordon, Hodges, Huntsman, Kincannon, Kincaid, Kimbrough, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Richardson, Ridley, Senter, Smith, Sharp, Ury, Whitson, Walton, Webster and Weakley; 30.

Mr **Douglass**, proposed to amend said section, by adding thereto the following; to wit:

"And provided also, that a line may be run from Rutherford county 4° north of east, leaving Statesville two miles south, to the Smith line, and all of Wilson county south of said line may be included in a new county, to be formed of Smith and other counties; provided, however, that the territory aforesaid shall not be taken from the county of Wilson, unless a majority of the qualified votess therein shall prefer to be included in said new county."

And the question being had thereon, said proposed amendment was rejected.

On motion of Mr **Loving**, the said section was amended by adding in the tenth line thereof after the word "miles," the following; to wit: "except the counties above mentioned."

The question then recurred upon the adoption of said section as amended.

Mr **Childress** moved a division, so as to test, first the sense of the sense of the Convention upon the adoption of the general provisions contained in said section, and secondly, upon the special provision therein contained.

Which motion prevailing, the said section, so far as it contained general provisions, was thereupon read and adopted.

Mr **Garrett** thereupon moved a further division, so as to test the sense of the Convention upon each special provision; which motion prevailing, the provisions in relation to the county of Carter, were read and adopted; ayes 43, nees 12.

The ayes and noes being demanded by Mr **Burton**,

The affirmative voters are,

Messrs President (Carter), Armstrong, Alexander, Blount, Cahal, Cobbs, Cheatham, Douglass, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Nelson, Porter, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton, Webster and Weakley; 43.

The negative voters are,

Messrs. Allen, Bradshaw, Burton, Childress, Cross, Fulton, Humphreys, Mabry, Purdy, Robertson, Scott and White; 12.

The special provisions in relation to the counties of Rhea, Humphreys, Tipton, Dyer, Bedford, Smith, Sullivan and Franklin, were thereupon severally read and adopted.

Mr. **Humphreys** moved further to amend said section by providing, that the excepted counties should not approach the court house of an older county nearer than ten miles.

Which amendment was declared by the chair to be out of order.

The first section of the eleventh article being read,

Mr. **Cahal** moved to strike out from the second line thereof the words "in this State"; which motion prevailed.

The second section was read and adopted,

The third section being read,

Mr. **Humphreys** moved to strike out from the second line thereof the words "by such laws as may be just and proper," and insert the words "for such cases as may be prescribed by law"; which motion prevailed and said third section, as amended, was adopted.

The fourth section was read and adopted.

The fifth section being read,

Mr. **Cahal** moved to strike therefrom the following words:

"But this provision shall not affect existing corporations."

Mr. **Cheatham**, moved to amend said section by striking out all that part thereof from the word "State", in the second line; which was accepted by Mr. Cahal.

And thereupon the question was had, and determined in the affirmative; ayes 42, noes 12.

The ayes and noes being demanded by Mr. **Sharp**,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Childress, Cahal, Cheatham, Cross, Douglass, Garrett, Gray, Gordon, Hodges, Hill, Kelly, Kendall, Kimbrough, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Sharp, Scott, Ury, Whitson, Walton and White; 42.

The negative voters are,

Messrs. Cobbs, Fulton, Fogg, Gillespy, Huntsman, Humphreys, Kincaid, Ledbetter, Porter, Smartt, Webster and Weakley; 12.

Mr. **Mabry** moved further to amend said section by providing that the rate of interest shall not exceed six per centum per annum; which motion was rejected.

The said fifth section, as amended, was read and adopted.

The sixth section being read,

Mr. **Douglass** proposed to amend said section, by inserting the following after the word "incorporation" in the sixth line; to wit: "To towns, manufacturing establishments, insurance companies, or for internal improvements."

Mr. **Kimbrough** moved to strike out all of said section after the word "law," in the fifth line.

Mr. **Allen** moved to amend Mr. Kimbrough's motion by striking out the whole of said section.

And thereupon the question was had on striking out, and determined in the negative; ayes 14, noes 41.

The ayes and noes being demanded,

The affirmative voters are,

Messrs. Allen, Armstrong, Burton, Douglass, Gillespy, Gray, Kelly, Kincaid, Kimbrough, Mabry, Richardson, Stephenson, Ury and Weakley; 14.

The negative voters are,

Messrs. President (Carter), Alexander, Bradshaw, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kendall, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Nelson, Porter, Purdy, Roadman, Ridley, Robertson, Senter, Smith, Smartt, Sharp, Scott, Whitson, Walton, White and Webster; 41.

The question was then had on Mr. **Kimbrough**'s motion to strike out, and determined in the negative.

Mr. **Kincaid** moved to strike out all of said section after the word "land" in the 3d line thereof.

Which motion was rejected.

The question recurring upon Mr. Douglass' amendment, and being thereon had, it was determined in the negative; ayes 13, noes 41.

The ayes and noes being demanded by Mr. **Fulton**,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Douglass, Garrett, Hill, Kincaid, Kimbrough, Mabry, Neil, Nelson and Senter; 13.

The negative voters are,

Messrs. Alexander, Burton, Blount, Cannon, Childress, Cahal, Cheatham, Cross, Fulton, Fogg, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kelly, Kendall, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 41.

The question was then had upon the adoption of said sixth section, and determined in the affirmative; ayes 38; noes 17.

The ayes and noes being demanded by Mr. **Cahal**,

The affirmative voters are,

Messrs. President (Carter), Alexander, Blount, Cannon, Childress, Cheatham, Cross, Fulton, Fogg, Garrett, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kendall, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Neil, Nelson, Porter, Purdy, Roadman, Ridley, Robertson, Senter, Smith, Smartt, Sharp, Scott, Whitson, Walton, White and Webster; 38.

The negative voters are,

Messrs. Allen, Armstrong, Bradshaw, Burton, Cahal, Douglass, Gillespy, Gray, Kelly, Kincaid, Kimbrough, Mabry, McGaughey, Richardson, Stephenson, Ury and Weakley; 17.

And so said section was adopted.

The seventh section being read,

Mr. Huntsman offered the following in lieu of said section; viz:

"The Legislature shall have the right to vest such powers in the courts of justice with regard to private and local affairs as may be deemed expedient."

Which was received, and said section was adopted.

The eighth section being read,

Mr. Webster moved to strike out the preamble thereto, which was rejected.

Mr. Kincaid moved to strike out from the fourth line of said section the words "to encourage all seminaries of learning, and all public and private schools."

Which motion prevailed.

Mr. Gordon moved to strike out from the fourth and fifth lines of said section, the words "the interest of."

Which also prevailed.

Mr. John A. McKinney proposed to amend said section, by adding the following thereto; viz:

"*Provided*, that if at any time hereafter, a division of the public lands of the United States, or the money arising from the sales of such lands, shall be made among the individual States, the part of such lands or money coming to this State shall be devoted to the purposes of education and internal improvement, and shall never be applied to any other purpose."

Which proposition was received.

Mr. Kincaid moved to strike out from the eleventh and twelfth lines of said section, the words, "public and" so as to make it read "common schools."

Which motion was rejected.

Mr. Ledbetter moved a reconsideration of the vote on striking out, which was ordered, and thereupon the question was had on striking out, and determined in the affirmative; ayes 29, noes 26.

The ayes and noes being demanded by Mr. Garrett,

The affirmative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Cannon, Cheatham, Cross, Gray, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Mabry, McGaughey, Neil, Nelson, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Scott, Whitson and Webster; 29.

The negative voters are,

Messrs. President (Carter,) Burton, Blount, Childress, Cahal, Douglass, Fulton, Fogg, Garrett, Gillespy, Gordon, Hodges, Hill, Huntsman, Humphreys, Loving, Robert J. McKinney, John A. McKinney, Porter, Robertson, Smartt, Sharp, Ury, Walton, White and Weakley; 26.

Mr. **Gray** moved to strike out the latter clause of said section.

Whereupon Mr. **Cannon** proposed the following in lieu of said original eighth section; viz:

"The common school funds of this State shall remain a perpetual fund forever, the principal of which shall never be diminished by the Legislature; but the interest shall be appropriated to the support and encouragement of common schools, in such manner as the Legislature may from time to time direct."

Which was received.

And the eighth section, as amended, was read and adopted.

The ninth section being read,

Mr. **Huntsman** moved to insert the word "academies" after colleges" in the second line.

Which motion prevailed.

The ninth section, as amended, was read and adopted.

The tenth section being read, Mr. **Weakley** moved to strike out said section, and thereupon the question was had and determined in the affirmative; ayes 36, noes 21.

The ayes and noes being demanded by Mr. **Garrett**,

The affirmative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Fulton, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, McGaughey, Neil, Porter, Robertson, Smith, Smartt, Scott, Walton, White, Webster and Weakley; 36.

The negative voters are,

Messrs. President (Carter), Cahal, Cobbs, Fogg, Garrett, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, Marr, Nelson, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Sharp, Ury and Whitson; 21.

Mr. **Gillespy** moved, a re-consideration of the vote on the adoption of the eighth section as amended; which motion prevailed.

And then the Convention adjourned.

Tuesday, August 19, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Reverend Mr **Edgar**, of the Presbyterian Church.

Mr **Loving**, from the committee to whom was assigned the duty of drafting a suitable preamble for the amended Constitution of the State of Tennessee, made the following

REPORT:

"*Whereas*, the people of the territory of the United States, south of the river Ohio, having the right of admission into the General Government as a member State thereof, consistent with the Constitution of the United States, and the act of session of the State of North Carolina recognizing the ordinance for the government of the territory of the United States north-west of the river Ohio, by their delegates and representatives in Congress assembled, did on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six, ordain and establish a Constitution or form of government, and mutually agree with each other to form themselves into a free and independent State, by the name of the *State of Tennessee;* and whereas, the General Assembly of said State of Tennessee, pursuant to the third section of the tenth article of the Constitution, by an act passed on the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled "an act to provide for the calling of a Convention," did authorize and provide for the election, by the people, of delegates and representatives, to meet at Nashville, in Davidson county, on the third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four, for the purpose of revising, amending or altering the present or forming a new Constitution:

"We, therefore, the delegates and representatives of the people of Tennessee, elected, and in Convention assembled, in pursuance of said act of Assembly, have ordained and established the following Constitution and form of government for this State; that is to say:"

The foregoing report being read, the question of concurrence was thereon had, and unanimously adopted.

Mr **Webster**, from the committee on propositions and grievances, to whom was referred the memorial of Silas George, reported that they have had the same under consideration, and had instructed him to make the following

REPORT:

"That, in their opinion, it would be incompatible with the duties of this Convention to act upon the same; and that the subject therein contained, would be more fit and proper for the General Assembly.

"Which is respectfully submitted.

"JONATHAN WEBSTER, *Chairman.*"

The foregoing being read, the question of concurrence was thereon had, and unanimously adopted.

On motion of Mr **Fulton**, it was ordered, that he be excused from serving on the Committee on Senatorial and Representative Districts. And on his further motion, Mr **Porter** was added to said Committee.

Mr **Fogg** presented the account of James Robinson, which being read, Mr John A. **McKinney** moved that the item of crape be stricken out of said account; and that each member pay his proportion thereof: Which motion prevailing, said account was referred to the committee on accounts.

Mr **Fogg**, from the committee on accounts, to whom was referred the accounts of John Austin and Robert I. Moore, reported, that they have had the same under consideration, that they think them reasonable, and ought to be allowed.

Which report was concurred in.

Mr **Smith** moved a reconsideration of the vote on striking out the item of crape in the account of James Robinson; which motion prevailed. And thereupon the question was had on striking out, and determined in the negative. The said account was then referred to the committee on accounts.

On motion of Mr **Cahal**, the resolution heretofore submitted by him, requiring the several newspapers published in the city of Nashville to be furnished the members of the Convention was taken up and read.

Mr **Childress** moved to amend, by providing that the said papers be chargeable to and paid for by the individual members of the Convention; which motion was rejected.

Mr **Cahal** thereupon modified his resolution, at the suggestion of Mr Kincaid, so as to provide that one copy of the Banner and Whig and of the Republican be furnished the members of the Convention.

Whereupon Mr **Garrett** moved to lay the said resolution on the table, until the first day of January next; which motion was rejected.

The question was thereupon had, on the adoption of said resolution, as amended, and determined in the affirmative; ayes 37, noes 19.

The ayes and noes being demanded by Mr **Cahal**,

The affirmative voters are,

Messrs. Allen, Armstrong, Alexander, Blount, Cannon, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Hodges, Huntsman, Humphreys, Hess, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Sharp, Whitson, Walton, White, Webster and Weakley; 37.

The negative voters are,

Messrs. President (Carter), Bradshaw, Burton, Childress, Gillespy, Gray, Gordon, Hill, Kelly, Kendall, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Stephenson, Smartt, Scott and Ury; 19.

The Convention then resumed the consideration of the eighth section of the eleventh article.

Mr **Huntsman** moved a reconsideration of the vote adopting Mr Cannon's amendment in lieu of the original eighth section;

And the question thereon being had, it was determined in the affirmative; ayes 39; noes 15.

The ayes and noes being demanded by Mr **Cannon**,

The affirmative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Blount, Cahal, Cobbs, Cheatham, Fulton, Fogg, Garrett, Gillespy, Gordon, Hodges, Hill, Huntsman, Humphreys, Kincaid, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Nelson, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Walton, White, Webster and Weakley; 39.

The negative voters are,

Messrs. Armstrong, Cannon, Cross, Douglass, Gray, Hess, Kelly, Kendall, Loving, Neil, Porter, Robertson, Scott, Ury and Whitson; 15.

On motion of Mr **Garrett**, the said eighth section was ordered to the table.

The eleventh section was read and adopted.

The first and second sections of the schedule were severally read and adopted.

Mr **Garrett** then moved that the eighth section of the eleventh article be taken up; which motion prevailing,

Mr **John A. McKinney** submitted the following, in lieu of that part thereof after the words "common schools" in the thirteenth line, to the word "commissioners" in the fourteenth line; to wit:

"The Secretary of State, the Attorney General and the Governor shall *ex officio* be a board of commissioners."

In lieu of which Mr **Ledbetter** submitted the following; to wit:

"And it shall be the duty of the General Assembly to appoint a board of commissioners, for such term of time as they may think proper, who shall have the general superintendence of said fund, and shall report the condition of the same from time to time, under such rules, regulations and restrictions as may be required by law."

Which amendment was received.

The question recurring on the adoption of Mr **Ledbetter**'s amendment, and being had, said amendment was adopted.

The question was then had on Mr **Cannon**'s amendment, in lieu of said section, and determined in the negative; ayes 16, noes 44.

The ayes and noes being demanded by Mr **Cannon**,

The affirmative voters are,

Messrs. Armstrong, Cannon, Cross, Gray, Kelly, Loving, Neil, Ridley, Robertson, Senter and Scott; 11.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Cahal, Cobbs, Cheatham, Douglass, Fulton, Fogg, Garrett, Gillespy, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Nelson, Porter, Purdy, Roadman, Richardson, Stephenson, Smith, Smartt, Sharp, Ury, Whitson, Walton, White Webster and Weakley; 44.

The said eighth section, as amended, was read and adopted.

Mr **Roadman** moved to take up the resolution submitted by him on the twenty first day of May, proposing to submit the amended constitution to the free voters of this State for their ratification or rejection; which motion prevailed, and said resolution was taken up and read.

Mr **Humphreys** moved to take up the resolutions submitted by Mr Montgomery on the eighth of August on the same subject, which he offered in lieu of Mr Roadman's: which motion prevailing, said resolutions were taken up and read: and thereupon the question was had and determined in the negative.

The question recurring upon the adoption of Mr Roadman's resolution, and being thereon had, was determined in the affirmative; ayes 55, noes 2.

The ayes and noes being demanded by Mr **Roadman**,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 55.

The negative voters are,

Messrs. Kelly and Mabry, 2.

Mr **Burton** submitted the following:

Resolved, That a committee of five be appointed for the purpose of reporting the most suitable manner of referring the amended Constitution to the people for their ratification or rejection, and for draughting ordinances relative to the same, as well as draughting ordinances relative to the election of members of the General Assembly, and of Governor of the State under the amended Constitution.

On motion of Mr **Roadman**, the rule requiring resolutions to lie one day on the table was suspended.

Mr **Mabry** moved to amend said resolution by adding the following thereto; to wit:

"And shall also fix the time of the election of the sheriffs and clerks that are to be elected by the people."

And the question being had on receiving said amendment, it was determined in the negative; ayes 5, noes 51.

The ayes and noes being demanded by Mr. **Mabry**,

The affirmative voters are,

Messrs. Blount, Hodges, Kincaid, Mabry and Scott; 5.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Cannon, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter. Smith, Smartt, Sharp, Ury, Whitson, Walton, White, Webster and Weakley; 51.

The question then recurred upon the adoption of said resolution: when the same was adopted:

And thereupon the President appointed Messrs. Burton, Garrett, Robert J. McKinney, Loving and Hess to be said committee.

Mr **Cobbs** submitted the following; to wit:

"*Resolved*, That the amendments to the Constitution be submitted to the people in two or more divisions, so that they may be enabled to adopt such amendments as they approve, and reject such as they disapprove, and that they may not be compelled to adopt all or none."

"*Resolved further*, that the committee enquire into the best mode of division, and report thereon."

And the rule being suspended, said resolution was rejected.

Mr Huntsman submitted the following; to wit:

"*Resolved*, That thousand copies of the new and old constitutions be printed under the direction of the Secretary of State, and that he cause them to be distributed in the respective counties of this State, in proportion to the population thereof, at as early a day as possible; and that he be authorized to draw on either of the Treasurers for such sums of money as may be necessary to carry this ordinance into effect."

On motion of Mr Blount, the fourteenth section of the second article was taken up and read; whereupon he offered the following as an amendment thereto; to wit:

"And jointly, as the State Legislature, shall have full power to make and establish all reasonable laws and regulations, for the benefit and defence of the people of this State, not repugnant to this Constitution nor to that of the United States."

Which proposed amendment was rejected.

On motion of Mr Senter, the resolution submitted by Mr Greene on the eleventh of June, providing that the citizens south of Hiwassee and Big Tennessee rivers within the counties of Marion, Hamilton, Rhea and McMinn, be entitled to the right of pre-emption and occupancy, was taken up and read; and thereupon the question was had, "will the Convention adopt said resolution?" which was determined in the negativ; ayes 15, noes 40.

The ayes and noes being demanded by Mr Senter,

The affirmative voters are,

Messrs. Armstrong, Alexander, Blount, Cross, Hill, Humphreys, Kelly, Kimbrough, Neil, Purdy, Ridley, Senter, Smartt, Sharp and Walton; 15.

The negative voters are,

Messrs. President (Carter), Allen, Bradshaw, Burton, Cannon, Cahal, Cobbs, Cheatham, Douglass, Fulton, Fogg, Garrett, Gray, Gordon, Hodges, Huntsman, Hess, Kincannon, Kincaid, Kendall, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Nelson, Porter, Roadman, Richardson, Robertson, Stephenson, Smith, Scott, Ury, Whitson, White, Webster and Weakley; 40.

On motion of Mr John A. McKinney, the resolutions submitted by him on Friday last, proposing an adjournment, after the second reading of the Constitution and providing for the mode in which the amended Constitution, shall be submitted to the people for their ratification or rejection; was taken up and read.

Mr Cannon moved to amend said resolution by striking out "second" and inserting "third", which was accepted by Mr John A. McKinney; and thereupon the question was had, "will the Convention adopt said resolution as amended?" and determined in the negative; ayes 8, noes 47.

The ayes and noes being demanded by Mr **Hodges**,

The affirmative voters are,

Messrs. Cannon, Cahal, Cobbs, Kendall, Robert J. McKinney, John A. McKinney, Mabry and Ury; 8.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, McGaughey, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Whitson, Walton, White, Webster and Weakley; 47.

And then the Convention adjourned.

WEDNESDAY, August 20, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. **Edgar**, of the Presbyterian Church.

The business of the morning being through, the Convention, on motion of Mr **Stephenson**, proceeded to the consideration of the twenty-fourth section of the second article of the amended Constitution.

Mr **Stephenson** moved to fill the blank in said section with the words "three dollars."

In lieu of which, Mr **Neil** proposed the following; to wit:

"The compensation of the members of the General Assembly shall never exceed three dollars per day, and three dollars for every twenty-five miles travelling to and from the seat of government."

On motion of Mr **Huntsman**, the said twenty-fourth section, together with the foregoing amendments, were ordered to the table."

Mr **Huntsman** thereupon submitted the following; to wit:

"*Resolved*, That the members of this Convention shall receive the sum of four dollars per day for their compensation, and the sum of four dollars for every thirty miles they may travel in going to and returning from the place of assembling, except the President, who shall receive five dollars per day."

The rule requiring resolutions to be laid for one day on the table being suspended,

Mr **John A. McKinney** moved to amend said proposition by providing that the members receive three dollars per day.

Thereupon Mr **Huntsman** withdrew his proposition, and submitted the following; to wit:

"Whereas, it is incumbent upon the members of this Convention to settle their own compensation, and for the purpose of affording each member an opportunity of manifesting his patriotism and disinterestedness, and having the same spread upon the Journal.

"*Resolved*, That each member of this Convention shall receive whatever sum he shall vote for, both for his *per diem* allowance, and for his travelling expenses, provided the amount shall not exceed four dollars per day and four dollars for every   miles he shall travel in coming to and returning from the seat of government; the President and the Chairman of the Committee of the Whole excepted, who shall not receive exceeding five dollars a day for their compensation."

Mr **Roadman** moved to fill the blank with "thirty"; which was rejected.

Mr **Garrett** moved to fill the blank with "twenty-five": which motion prevailed.

Mr **Cannon** moved to strike out from said resolutions so much thereof as provides that the Chairman of the Committee of the Whole shall receive five dollars per day: which motion was rejected.

Mr **Cannon** thereupon proposed the following in lieu of Mr Huntsman's proposition; to wit:

"*Resolved*, That the compensation of the members of this Convention shall be four dollars per day, and at the rate of four dollars for every twenty-five miles travelling to and from the seat of government, except the President, of the Convention who shall receive five dollars per day and the same travelling allowances as other members."

Mr **Burton** moved to lay said proposition on the table; which motion prevailed.

Mr **Weakley** moved to lay the proposition of Mr Huntsman on the table, until the first day of January next: and the question being had thereon, it was determined in the affirmative; ayes 31, noes 24.

The ayes and noes being demanded by Mr **Huntsman**,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Blount, Cannon, Douglass. Fogg, Gray, Gordon, Hodges, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Neil, Porter, Roadman, Ridley, Stephenson, Smartt, Scott, Whitson, Walton, White and Weakley; 31.

The negative voters are,

Messrs. Alexander, Burton, Childress, Cobbs, Cheatham. Fulton, Garrett, Gillespy, Hill, Huntsman, Loving, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Nelson, Purdy, Richardson, Robertson, Senter, Smith, Sharp, Ury and Webster; 24.

On motion of Mr **Cannon**, his resolution was taken up and read:

Whereupon Mr **John A. McKinney** moved to strike out the word "four", for the purpose of inserting "three": and thereupon the question was had, and determined in the negative; ayes 11, noes 45.

The ayes and noes being demanded by Mr **John A. McKinney**,

The affirmative voters are,

Messrs. Armstrong, Bradshaw, Hodges, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Stephenson, Smith and Walton 11.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, Marr, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Senter, Smartt, Sharp, Scott, Ury, Whitson, White, Webster and Weakley; 45.

Mr Douglass moved further to amend said resolution, by providing, that the Chairman of the Committee of the Whole be allowed the sum of five dollars per day, for the sixty days he presided as such: which motion prevailed.

The question was thereupon had on the adoption of said resolution as amended, and determined in the affirmative.

On motion of Mr Gray, the first article of the Constitution was taken up on its third reading; and being read,

Mr White moved to amend the nineteenth section thereof, by inserting the word "criminal" after the word "either" in the ninth line: which motion prevailed.

On motion of Mr Humphreys, the report of the Committee, who were appointed to draft a preamble for the amended Constitution, was recommitted to said Committee.

Mr Gray proposed the following amendment to the fourteenth section of the first article; to wit:

"Except in petit misdemeanors which are punishable by fine only, when the fine shall not exceed ten dollars.

Which proposed amendment was rejected.

Mr Allen moved to strike out the twenty-ninth section of said first article:

Which motion was rejected.

The said first article was thereupon adopted as amended.

On motion of Mr Huntsman, the resolution submitted by him on yesterday, in relation to printing and distributing the old and the amended Constitution, was taken up and read.

Mr Hess moved to strike out the words "and the old Constitution": which motion prevailed.

Mr Huntsman moved to fill the blank with the words "ten thousand copies": which motion also prevailed.

Mr John A. McKinney moved a re-consideration of the vote filling the blank with "ten thousand copies": which motion was rejected.

Mr Marr proposed the following amendment to said resolution, to wit:

"And that one copy of so much of the old Constitution as is contained in the first ten articles thereof be annexed to each copy of the Constitution hereby ordered to be printed."

Which proposition was rejected.

The question recurring upon the adopting of said resolution, and being thereon had, it was adopted.

Mr Cheatham moved to take up a resolution submitted by him on the twenty-eighth of May, on the subject of locating the seat of government, which motion prevailing, said resolution was accordingly taken up and read:

In lieu of which Mr Cheatham offered the following, to wit:

"*Resolved*, That the seat of government shall be permanently located in the town of *provided*, however, should it be deemed expedient, the Legislature, two-thirds of the members concurring therein, shall have power to remove the same."

In lieu of which Mr **Cannon** called up and offered the following resolution submitted by him on the thirteenth day of May, to wit:

"*Resolved*, That it is expedient, and the public interest of the State requires this Convention to fix upon and to establish permanently the seat of government."

Mr **Douglass** moved to fill the blank in Mr Cheatham's resolution with the words "in the City of Nashville."

But before the question was had thereon,

The Convention adjourned.

Tuesday, August 21, 1834.

The Convention met according to adjournment, and was opened with prayer by the Rev. Mr **Edgar** of the Presbyterian church.

Mr **Loving**, from the committee appointed to draft a suitable preamble to the amended Constitution, to whom the preamble reported by them was re committed on yesterday morning, reported, that the committee have again had the same under consideration and had instructed him to recommend the following amendments thereto, to wit: strike out the words 'altering the present or forming a new" and in lieu insert the words 'or changing the Constitution': and add the following, "which we recommend to the people of Tennessee for their ratification."

The said report was concurred in.

Mr **Burton**, from the committee to whom was referred the resolution directing an inquiry as to the most convenient plan of submitting the amended Constitution of the State of Tennessee to the vote of the people for their approval or rejection, and further to provide for the election of Governor and members of the General Assembly, if said Constitution shall be adopted:—have had the subject under consideration, and beg leave to report the subjoined ordinance, which they ask the adoption of, and that the same be incorporated as a schedule to the amended Constitution.

I. *Ordered*, That it shall be the duty of the several Sheriffs, and in case of their death, resignation or removal, then of the several coroners, in each county in this State, to open and hold an election at the usual places of holding elections for members to the General Assembly in their respective counties, on the first Thursday and Friday in April one thousand eight hundred and thirty-five, for the purpose of receiving the votes of such qualified voters as may desire to vote for the adoption or rejection of this amended Constitution:—*provided*, that no person shall be deemed a qualified voter in said election, except such as are included within the provisions of the first section of the third article of this amended Constitution.

II. *Ordered*, That it shall be the duty of said returning officers in each county in this State to prepare poll books, the said poll books shall be headed "The Constitution as Amended," and shall contain two separate columns, the first column shall be headed "For Ratifying," and the second "For Rejecting." Said poll books shall be opened on the said days of election, in which shall be enrolled the name of every voter by the assistance of clerks who shall be sworn as clerks in other elections. Said sheriffs shall prepare a ballot box in which shall be placed the ticket of each voter: Each ticket shall have written thereon the words "I ratify the Amended Constitution," or, if the voter is opposed to it, "I reject the Amended Constitution"; or the words "Ratification" or "Rejection," or some such words as will distinctly convey the intention of the voter. The Justices of the several county courts at some term previous to the day of said election shall appoint three inspectors for each precinct, and in case of the failure of the courts to appoint inspectors, then said sheriffs shall appoint them. It shall be the duty of said returning officers in presence of said inspectors to count the votes given for the ratification or rejection of the Constitution, of which they shall keep a true and correct estimate in said poll book. Said returning officer shall deposit the original poll books of said election with the clerk of the county court in their respective counties and shall within five days after said election make out triplicate statements of the number of votes in their respective counties for ratifying or rejecting the Constitution, and shall forward by mail one of said certificates to the Governor, one to the Secretary of State, and shall likewise deposite one with the clerk of the county court. It shall be the duty of said several clerks, carefully to examine the said poll books and forthwith to certify to the Secretary of State a full, true and perfect estimate of the number of votes taken for and against the Constitution as appears from the poll books, filed in his office.

III. *Ordered*, That upon the receipt of the said returns it shall be the duty of the Governor, Secretary of State and any one of the Judges of the Supreme court, or any two of said named persons, to compare the votes given in said election for the ratification and rejection of the amended Constitution, and if it shall appear from said returns that a majority of all the votes given in said election is for ratifying the amended Constitution, then it shall be the duty of the Governor forthwith to make Proclamation of that fact, and thenceforth this amended Constitution shall be ordained and established as the Constitution of the State of Tennessee. It shall moreover be the duty of the Governor in and by said Proclamation to command the sheriffs and other officers directed by law to hold and superintend elections, to open the polls of election at the usual places of holding elections, for Members of the General Assembly in their respective counties on the first Thursday in August, one thousand eight hundred and thirty-five, for the purpose of electing a Governor and for the election of Senators and Representatives to the General Assembly of this State from the several districts and counties, as mentioned and described in this amended Constitution, and that the said officers make returns of said elections under the same rules and regulations as are now required by the existing laws.

IV. *Be it further ordered,* That if any sheriff or other officer shall fail, faithfully and within the time prescribed by this ordinance, to discharge any of the duties hereby required, such sheriff or other officer so failing as aforesaid, shall forfeit and pay the sum of five thousand dollars, to be recovered by action of debt in any of the courts of record in this State: to be sued for in the name of the Governor for the use and benefit of Common Schools.

All of which is respectfully submitted.

ROBERT M. BURTON, *Chairman.*

The foregoing report was ordered to the table.

Mr HESS moved a reconsideration of the vote taken on yesterday upon the adoption of the resolution authorizing the printing of ten thousand copies of the amended Constitution:

Which motion prevailed.

Mr KINCAID moved a reconsideration of the vote taken yesterday on striking out from Mr HUNTSMAN's resolution the words "and the old Constitution.":

Which motion also prevailed.

Mr HUNTSMAN moved to amend said resolution, by providing that fifteen thousand copies of the old, and fifteen thousand copies of the amended Constitution, be printed for distribution.

Mr STEPHENSON moved a division of the question.

Which motion was lost.

The question was then had on Mr HUNTSMAN's motion, and determined in the affirmative; ayes 30, noes 26.

The ayes and noes being demanded by Mr STEPHENSON,

The affirmative voters are,

Messrs. President (Carter), Alexander, Blount, Cahal, Cobbs, Cheatham, Fogg, Garrett, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kincaid, Kendall, Loving, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Smith, Ury, Whitson, Walton and Weakley; 30.

The negative voters are,

Messrs. Allen, Bradshaw, Burton, Cannon, Childress, Douglass, Fulton, Gillespy, Hodges, Kelly, Kincannon, Kimbrough, Ledbetter, McClellan, Porter, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, White and Webster; 26.

Mr SMARTT proposed the following amendment to said resolution; to wit:

"And it shall be the duty of the clerks of the several county courts, to distribute them to each captain's company, according to the number of qualified voters in each."

Which amendment was received, and said resolution, as amended, was adopted.

Mr. **Humphreys** submitted the following:

"*Resolved*, That a committee of three be appointed to inquire into the best mode of distributing the copies of the Constitution and Journals of the Convention, and the number of copies each county is entitled to under the order of this Convention."

And the rule requiring resolutions to lie one day on the table being suspended, said resolution was adopted.

Whereupon the President appointed Messrs. Humphreys, Douglass and Kimbrough to be of said Committee.

Mr. **Huntsman**, from the committee to whom was assigned the duty of correcting the phraseology of the amended constitution, reported, that the committee had carefully examined the different sections of the second, third, fourth and fifth articles of that instrument, and had instructed him to recommend sundry amendments and erasures:

All of which amendments and erasures were severally read, and, with some slight alterations, concurred with.

Ordered, That sixty-five copies of the second, third, fourth and fifth articles, as amended, be printed, for the use of the Convention.

And then the Convention adjourned.

Friday, August 22, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. **Hess** of the Cumberland Presbyterian Church.

Mr. **McGaughey** presented the memorial of sundry citizens of Monroe county, on the subject of a new county,

Which was ordered to the table.

Mr. **Huntsman**, from the committee to whom was assigned the duty of correcting the phraseology of the amended Constitution, reported, that the committee had completed a careful examination of that instrument, and in addition to the report made yesterday, had instructed him to recommend sundry amendments and erasures to the sixth, seventh, eighth, ninth, tenth and eleventh articles, and to the Schedule annexed to the said amended Constitution.

All of which amendments and erasures were severally read and concurred with.

On motion of Mr. **Huntsman**,

Ordered, That sixty-five copies of the sixth, seventh, eighth, ninth, tenth and eleventh articles of the amended Constitution, and the Schedule thereto annexed, be printed for the use of the members of the Convention.

Mr. **Cannon** moved that the Constitution be now taken up, on its third reading;

Which motion prevailing,

The first, second and third sections of the second article were read and adopted.

The fourth section being read,

Mr. Purdy offered the following, in lieu of said section; to wit:

"The first enumeration of the qualified voters of this State shall be taken within six months preceding the second regular session of the General Assembly, at which time an apportionment of representatives in the subsequent General Assembly shall be made; the second enumeration and apportionment shall be made in the year one thousand eight hundred and forty-two, and within every subsequent term of ten years:"

Which proposed amendment was rejected.

Said fourth section as read was then adopted.

The fifth section having been read,

Mr. Garrett moved to strike out from the fourth line thereof, the words "and an half":

And the question being had thereon it was determined in the negative; ayes 15; noes 43.

The ayes and noes on said question being demanded by Mr. Ledbetter,

The affirmative voters are,

Messrs. President (Carter), Cahal, Cobbs, Fulton, Fogg, Garrett, Huntsman, Hess, Kincaid, Loving, Montgomery, Marr, Porter, Scott and Webster; 15.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Gillespy, Gray, Gordon, Hodges, Hill, Humphreys, Kelly, Kincannon, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton, White and Weakley; 43.

And so the Convention refused to strike out.

Mr. Allen moved to strike out of said section the words "*provided* that any county having two thirds of the ratio shall be entitled to one member";

And thereupon the question was had, and determined in the negative; ayes 18, noes 41.

The ayes and noes being demanded by Mr. Allen,

The affirmative voters are,

Messrs. Allen, Burton, Cannon, Childress, Douglass, Fulton, Fogg, Gillespy, Kincannon, Ledbetter, McClellan, Porter, Richardson, Ridey, Stephenson, Ury, White and Weakley; 18.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Blount, Cahal, Cobbs, Cheatham, Cross, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimrough, Loving, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Roertson, Senter, Smith, Smartt, Sharp, Scott, Whitson, Walton and Webster; 41.

And so the Convention refused to strike out.

Mr. **Cobbs** offered the following as an amendment to said section; to wit:

"As far as the fractional excess of larger counties will raise them, or the next populous of them, to the ratio entitled to a representative."

Which was rejected.

Mr. **Fulton** offered the following amendment to said section; to wit:

"Unless counties having twice the ratio be thereby deprived of two members";

To which Mr. **Kincaid** offered the following as an amendment; to wit:

"If such large county or counties have an excess above the ratio that would give two, equal to the one-third intended to be yielded to a small county."

Whereupon, on motion of Mr. **Huntsman**, the said fifth section, and the several amendments thereto proposed, were laid on the table.

On motion of Mr. **Gray**, the sixth section was also laid on the table.

The seventh section was then read.

Mr. **Burton** moved to strike out from the second line thereof the word "next" and insert "one thousand eight hundred and thirty-five."

Which motion prevailed.

The said seventh section as amended, was then adopted.

The eighth section having been read, Mr. **Robert J. McKinney** moved to take up the proposition heretofore submitted by him, providing that the sessions of the Legislature shall be limited, after the year one thousand eight hundred and thirty-eight: and thereupon the question being had, it was determined in the negative; ayes 24, noes 35.

The ayes and noes being demanded by Mr. **Cahal**,

The affirmative voters are,

Messrs. President (Carter), Bradshaw, Blount, Childress, Garrett, Hill, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Neil, Nelson, Roadman, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Whitson and Weakley; 24.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Burton, Cannon, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Ledbetter, Loving, Marr, Porter, Purdy, Richardson, Sharp, Scott, Ury, Walton, White and Webster; 35.

And so the Convention refused to take up said proposition.

The said eighth section was then adopted.

Mr. **Kincaid** moved a reconsideration of the vote adopting the seventh section; which motion prevailed: and

The seventh section having been read,

Mr. **Cannon** moved to strike out of said section the words "and shall terminate the same day."

Which motion failed.

Mr. White moved to strike out of the last line of said section, the word "and"; and to insert the words "said elections."

Which motion prevailed; and

The said seventh section, as amended, was then adopted.

On motion of Mr Huntsman, the fifth and sixth sections were again taken up; and

The fifth section, together with the proposed amendments thereto, being read;

The question was had on receiving Mr Kincaid's amendment, and it was rejected.

The question recurring upon the adoption of Mr Fulton's amendment; and being had, it was determined in the negative; ayes 23, noes 31.

The ayes and noes being demanded by Mr. Fulton,

The affirmative voters are,

Messrs. Allen, Burton, Cannon, Childress, Cahal, Cobbs, Douglass, Fulton, Fogg, Gillespy, Gordon, Kimbrough, Ledbetter, McClellan, Porter, Richardson, Ridley, Stephenson, Ury, Walton, White, Webster and Weakley; 23.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Blount, Cheatham, Garrett, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Loving, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Senter, Smith, Smartt, Sharp and Whitson; 31.

And so said proposed amendment was rejected.

Mr Sharp proposed the following amendment to the said fifth section; to wit:

"Provided no county in this State shall have more than two Representatives and one Senator."

And thereupon the question was had, and determined in the negative; ayes 22, noes 34.

The ayes and noes being demanded by Mr Sharp,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Garrett, Gray, Gordon, Hodges, Kelly, Kendall, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Roadman, Robertson, Stephenson, Senter, Smith, Smartt and Sharp; 22.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Douglass, Fulton, Fogg, Gillespy, Hill, Huntsman, Humphreys, Hess, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, Porter, Purdy, Richardson, Ridley, Ury, Whitson, Walton, White, Webster and Weakley; 34.

And so said proposition was rejected.

Mr Childress moved to amend said section, by striking out "shall" from the last line thereof, for the purpose of inserting "may":

Which motion was rejected.

Mr **Cahal** moved a reconsideration of the vote on striking out the proviso in said section.

And thereupon the question was had, and determined in the negative; ayes 21, noes 36.

The ayes and noes being demanded by Mr. **Garrett**,

The affirmative voters are,

Messrs. Allen, Burton, Cannon, Childress, Cahal, Douglass, Fulton, Fogg, Gillespy, Humphreys, Ledbetter, McClellan, Porter, Richardson, Ridley, Stephenson, Ury, Walton, White, Webster and Weakley; 21.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Blount, Cobbs, Cheatham, Cross, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Hess, Kelly, Kincaid, Kendall, Kimbrough, Loving, Robert J. M'Kinney, John A. M'Kinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Robertson, Senter, Smith, Smartt, Sharp and Whitson; 36.

And so the Convention refused to reconsider.

Mr **Huntsman** moved to strike out the word "five" after the word "seventy" in the third line; and insert the word "six":

And the question being had thereon, it was determined in the negative; ayes 23, noes 34.

The ayes and noes being demanded by Mr **Fulton**,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Blount, Cannon, Cahal, Cheatham, Fogg, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Hess, Kendall, Montgomery, Marr, Nelson, Roadman, Robertson, Senter, Smith and Smartt; 23.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Childress, Cobbs, Cross, Douglass, Fulton, Gillespy, Humphreys, Kelly, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Porter, Purdy, Richardson, Ridley, Stephenson, Sharp, Ury, Whitson, Walton, White, Webster and Weakley; 34.

And so said motion was lost.

Mr **Porter** moved a reconsideration of the vote rejecting the amendment of Mr **Cobbs** to said section; and the question being had thereon, said motion was lost.

Mr **Fulton** moved a reconsideration of the vote rejecting the amendment of Mr **Kincaid**; and thereupon the question was had and determined in the negative; ayes 27, noes 31.

The ayes and noes being demanded by Mr. **Garrett**,

The affirmative voters are,

Messrs. Allen, Bradshaw, Burton, Cannon, Childress, Cahal, Cobbs, Cheatham, Douglass, Fulton, Fogg, Gillespy, Gordon, Humphreys, Kincaid, Kimbrough, Ledbetter, McClellan, Porter, Richardson, Ridley, Stephenson, Ury, Walton, White, Webster and Weakley; 27.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Blount, Cross, Garrett, Gray, Hodges, Hill, Huntsman, Hess, Kelly, Kendall, Loving, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Robertson, Senter, Smith, Smartt, Sharp, Scott and Whitson; 31.

And so the Convention refused to reconsider.

Mr Hess moved to insert "or districts" after the word "county" in the fourth line of said fifth section.

And the question being had thereon, was determined in the negative; ayes 14, noes 44.

The ayes and noes being demanded by Mr Weakley,

The affirmative voters are,

Messrs President (Carter), Armstrong, Alexander, Garrett, Gray, Hess, Kelly, Loving, Nelson, Purdy, Robertson, Smith, Smartt and Sharp; 14.

The negative voters are,

Messrs. Allen, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Gillespy, Gordon, Hodges, Hill, Huntsman, Humphreys, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Porter, Roadman, Richardson, Ridley, Stephenson, Senter, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 44.

And so said proposed amendment was lost.

Mr Childress moved the following as a substitute for, and in lieu of the whole of the said fifth section; to wit:

"The number of Representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts according to the number of qualified voters in each, and shall not exceed seventy-five until the population of the State shall be one million, and shall never thereafter exceed ninety-nine; and the representation as is now made, shall continue until the next enumeration".

And the question being thereupon had, it was determined in the negative; ayes 19, noes 39.

The ayes and noes being demanded by Mr Robert J. McKinney,

The affirmative voters are,

Messrs. Allen, Burton, Cannon, Childress, Cahal, Cobbs, Douglass, Fulton, Fogg, Humphreys, Ledbetter, Loving, Porter, Ridley, Ury, Walton, White, Webster and Weakley; 19.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Blount, Cheatham, Cross, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Hess, Kelly, Kincaid, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Richardson, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott and Whitson; 39.

And so the Convention refused to adopt said substitute.

Mr Ridley moved to strike out the words "two-thirds", and to insert in lieu thereof the words "three-fourths".

Which motion failed.

Mr Ury moved to strike out the words "seventy-five", and insert in lieu thereof the words "fifty-five."

Mr Fulton moved a division of said question;

Which motion prevailed.

And the question being had, on the question of striking out the words "seventy-five"; it was determined in the negative; ayes 23, noes 35.

The ayes and noes being demanded by Mr Gray,

The affirmative voters are,

Messrs. Cannon, Childress, Cahal, Douglass, Fulton, Fogg, Gillespy, Humphreys, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Porter, Ridley, Robertson, Stephenson, Scott, Ury, Walton and Weakley; 23.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cobbs, Cheatham, Cross, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Hess, Kelly, Kincaid, Kendall, Loving, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Richardson, Senter, Smith, Smartt, Sharp, Whitson, White and Webster; 35.

And so the Convention refused to strike out.

The question then recurred upon the adoption of the said fifth section, and being had thereon, it was determined in the affirmative; ayes 34, noes 23.

The ayes and noes being demanded by Mr Stephenson,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Blount, Cobbs, Cheatham, Cross, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Loving, Mabry, Montgomery, Marr, Neil, Nelson, Purdy, Roadman, Senter, Smith, Smartt, Sharp, Scott, Whitson and White; 34.

The negative voters are,

Messrs. Allen, Burton, Cannon, Childress, Cahal, Douglass, Fulton, Fogg, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Porter, Richardson, Ridley, Robertson, Stephenson, Ury, Walton, Webster and Weakley; 23.

And so said fifth section was adopted.

The sixth and ninth sections were thereupon severally read and adopted.

The tenth section being read,

Mr Armstrong moved to strike therefrom the word "thirty", for the purpose of inserting the words "twenty-five."

Mr Roadman moved a division, which motion prevailing, the question was thereupon had, on striking out, and determined in the negative; ayes 26, noes 33.

The ayes and noes being demanded by Mr Weakley,

The affirmative voters are,

Messrs. Armstrong, Alexander, Blount, Cahal, Cheatham, Cross, Fulton, Garrett, Gillespy, Hill, Humphreys, Kincannon, Ledbetter, McClellan, McGaughey, Nelson, Porter, Purdy, Richardson, Ridley, Robertson, Stephenson, Smith, Scott, Ury and White; 26.

The negative voters are;

Messrs. President (Carter), Allen, Bradshaw, Burton, Cannon, Childress, Cobbs, Douglass, Fogg, Gray, Gordon, Hodges, Huntsman, Hess, Kelly, Kincaid, Kendall, Kimbrough, Loving, Robert J. McKinney, John A. McKinney, Mabry, Montgomery, Marr, Neil, Roadman, Senter, Smartt, Sharp, Whitson, Walton, Webster and Weakley; 33.

And so the Convention refused to strike out.

The said tenth section was thereupon read and adopted.

The eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth and twentieth sections of the same article were thereupon severally read and adopted.

The twenty-first section was read and amended, on motion of Mr John A. McKinney, by striking from the fourth line thereof the word "or" and inserting in its stead the word "and".

Said section was thereupon read, as amended, and adopted.

The twenty-second section was also read and adopted.

The twenty-third section being read,

Mr Cannon moved to fill the blanks therein with the words "four dollars", as the daily compensation for Members of the Legislature:

Mr John A. McKinney moved to fill the said blanks, with the words "three dollars", and thereupon the question was had and determined in the negative; ayes 14, noes 44.

The ayes and noes being demanded by Mr McClellan,

The affirmative voters are,

Messrs. Armstrong, Bradshaw, Blount, Hodges, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Stephenson, Smith, Walton and Weakley; 14.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Burton, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, Montgomery, Marr, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Senter, Smartt, Sharp, Ury, Whitson, White and Webster; 44.

And so said motion failed.

Mr Kimbrough moved to amend said section, by substituting the following in lieu of the first clause thereof; to wit:

"The Members of the first session of the Legislature shall fix their own pay."

Which amendment was rejected.

The question then recurred and was had on the proposition of Mr Cannon to fill the said blanks with the words "four dollars"; and determined in the affirmative; ayes 41, noes 15.

The ayes and noes being demanded by Mr John A. McKinney,

The affirmative voters are,

Messrs. President (Carter), Allen, Alexander, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Ledbetter, Loving, Montgomery, Marr, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Senter, Smartt, Sharp, Ury, Whitson, White and Webster; 41.

The negative voters are,

Messrs. Armstrong, Bradshaw, Blount, Hodges, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Stephenson, Smith, Walton and Weakley; 15.

And so the blanks were filled with the words "four dollars."

Mr Robertson moved further to amend said section by striking therefrom the words "thirty miles" and inserting in lieu the words "twenty-five miles."

Which motion prevailed.

Mr Robert J. McKinney thereupon submitted the following in lieu of said section; to wit:

"The Members of the General Assembly shall receive for their services a reasonable compensation, to be ascertained by law, and paid out of the public treasury; but after the first session which shall be held under this constitution, no law prescribing such compensation shall take effect until a next regular session after the passage thereof."

And thereupon the question was had and determined in the negative; ayes 27, noes 30.

The ayes and noes being demanded by Mr Kimbrough,

The affirmative voters are,

Messrs. Armstrong, Bradshaw, Burton, Blount, Cross, Douglass, Gillespy, Gray, Hill, Humphreys, Kelly, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, McGaughey, Neil, Nelson, Roadman, Stephenson, Smith, Smartt, Sharp, Whitson, Walton and Weakley; 27.

The negative voters are,

Messrs President (Carter), Allen, Alexander, Cannon, Childress, Cahal, Cobbs, Cheatham, Fulton, Fogg, Garrett, Gordon, Hodges, Huntsman, Hess, Kincannon, Kincaid, Loving, Mabry, Montgomery, Marr, Porter, Purdy, Richardson, Ridley, Robertson, Senter, Ury, White and Webster; 30.

And so the Convention refused to adopt said substitute.

The said section was thereupon read and adopted.

The twenty-third, twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh sections were thereupon read and adopted.

The twenty-eighth section being read,

Mr Armstrong moved to strike from the second line thereof the words "between the ages of twelve and fifty years."

And the question being had thereon, it was determined in the negative: ayes 20, noes 38.

The ayes and noes being demanded by Mr Stephenson,

The affirmative voters are,

Messrs. Armstrong, Alexander, Bradshaw, Cross, Fulton, Garrett, Hill, Humphreys, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Purdy, Stephenson, Smith and Senter; 20.

The negative voters are,

Messrs. President (Carter). Allen, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Douglass, Fogg, Gillespy, Gray, Gordon, Hodges. Huntsman, Hess, Kelly, Kincannon, Kincaid, Kendall, Ledbetter, Loving, Montgomery, Marr, Porter, Roadman, Richardson, Ridley, Robertson, Smartt, Sharp, Ury, Whitson, Walton, White, Webster and Weakley; 38.

And so the Convention refused to strike out.

Mr Armstrong moved to strike from the seventh line of said section, the word "shall" and insert in lieu the word "may."

Which motion was rejected.

Mr Smith submitted the following proviso, as an amendment to said section; to wit:

"*Provided*, no white poll shall be taxed higher than one-half the tax levied on the average value of one slave."

And the sense of the Convention being thereon had, the said proviso was rejected.

The said section was amended, on motion of Mr John A. McKinney, by striking from the seventh line thereof the word, "and" and the word "other."

Mr Loving moved to strike out all that part of said section, from the word "value" in the sixth line to the words "a tax" in the eigth line:

Which motion was rejected.

The question was then had upon the adoption of said section and determined in the affirmative; ayes 39, noes 19.

The ayes and noes being demanded by Mr. Weakley,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Cannon, Childress, Douglass, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Roadman, Richardson, Robertson, Stephenson, Senter, Smartt, Sharp, Whitson, Walton and Webster; 39.

The negative voters are,

Messrs. Allen, Alexander, Burton, Blount, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Humphreys, Kincannon, Porter, Purdy, Ridley, Smith, Ury, White and Weakley; 19.

And so said section was adopted.

The twenty-ninth and thirtieth sections were thereupon severally read and adopted.

The thirty-first section being read.

Mr Mabry moved to amend, by adding thereto the following; to wit:

"And said owner or owners providing for their removal beyond the limits of this State."

Which amendment was rejected.

The question was thereupon had upon the adoption of said thirty-first section; and determined in the affirmative; ayes 35, noes 23.

The ayes and noes being demanded by Mr McGaughey,

The affirmative voters are,

Messrs. Allen, Alexander, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Douglass, Fulton, Fogg, Garrett, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kendall, Ledbetter, Loving, Montgomery, Marr, Nelson, Porter, Purdy, Richardson, Ridley, Robertson, Smith, Sharp, Whitson, Walton, White and Weakley; 35.

The negative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Cahal, Cross, Gillespy, Gray, Kelly, Kincannon, Kincaid, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Roadman, Stephenson, Senter, Smartt, Ury and Webster; 23.

And so said section was adopted.

And thereupon the Convention adjourned.

Saturday, August 23, 1834.

The Convention met according to adjournment and was opened by prayer, by the Rev. Mr Edgar, of the Presbyterian Church.

Mr Armstrong from the Committee to whom was assigned the duty of laying off and apportioning the Senatorial and Representative Districts, made the following

REPORT.

First, The counties of Carter, Sullivan and Hawkins shall compose one Senatorial district, and shall elect one Senator.

Second, The counties of Washington and Greene shall compose one Senatorial district, and elect one Senator.

Third, The counties of Cocke, Sevier, Jefferson and Blount shall compose one Senatorial district, and elect Senator.

Fourth, The counties of Grainger, Claiborne, Campbell, Anderson and Morgan shall compose one Senatorial district, and elect one Senator.

Fifth, The counties of Knox and Roane shall compose one Senatorial district, and elect one Senator.

Sixth, The counties of Monroe and McMinn shall compose one Senatorial district, and elect one Senator.

Seventh, The counties of Rhea, Bledsoe, Marion and Hamilton shall compose one Senatorial district, and elect one Senator.

Eighth, The counties of Warren and Franklin shall compose one Senatorial district, and elect one Senator.

Ninth, The counties of Jackson, Overton White and Fentress shall compose one Senatorial district, and elect one Senator.

Tenth, The counties of Lincoln and Giles shall compose one Senatorial district, and elect one Senator.

Eleventh, The counties of Smith and Sumner shall compose one Senatorial district, and elect one Senator.

Twelfth, The county of Bedford shall compose one Senatorial district, and elect one Senator.

Thirteenth, The county of Maury shall compose one Senatorial district, and elect one Senator.

Fourteenth, The county of Rutherford shall compose one Senatorial district, and elect one Senator.

Fifteenth, The county of Davidson shall compose one Senatorial district, and elect one Senator.

Sixteenth, The counties of Williamson shall compose one Senatorial district, and elect one Senator.

Seventeenth, The counties of Lawrence, Wayne and Hickman shall compose one Senatorial district, and elect one Senator.

Eighteenth, The counties of Dickson, Stewart and Humphreys shall compose one Senatorial district, and elect one Senator.

Nineteenth, The counties of Robertson and Montgomery shall compose one Senatorial district, and elect one Senator.

Twentieth, The county of Wilson shall compose one Senatorial district, and elect one Senator.

Twenty-first, The counties of Hardeman, Fayette and Shelby shall compose one Senatorial district, and elect one Senator.

Twenty-second, The counties of Madison, Haywood and Tipton shall compose one Senatorial district, and elect one Senator.

Twenty-third, The counties of Carroll, Gibson and Dyer shall compose one Senatorial district, and elect one Senator.

Twenty-fourth, The counties of Henry, Weakley and Obion shall compose one Senatorial district, and elect one Senator.

Twenty-fifth, The counties of Henderson, Perry, M'Nairy and Hardin shall compose one Senatorial district, and elect one Senator.

The counties of Carter, Sullivan and Hawkins shall each elect one Representative, and Sullivan and Hawkins shall also jointly elect one Representative.

The counties of Greene and Washington shall each elect one Representative, and shall also jointly elect one Representative.

The counties of Cocke, Sevier, Jefferson and Blount shall each elect one Representative.

The counties of Grainger and Claiborne shall each elect one Representative.

The counties of Campbell, Anderson and Morgan shall jointly elect two Representatives.

The counties of Knox and Roane shall each elect one Representative, and shall also jointly elect one Representative.

The counties of Monroe and McMinn shall each elect one Representative, and shall also jointly elect one Representative.

The counties of Rhea and Bledsoe shall each elect one Representative.

The counties of Marion and Hamilton shall jointly elect one Representative.

The counties of Warren, Franklin, Bedford, Lincoln, Giles, Maury, Rutherford, Williamson, Davidson, Wilson, Smith and Sumner shall each elect two Representatives.

The counties of Lawrence, Wayne, Hickman, Dickson, Humphreys Montgomery, Stewart, Robertson, Jackson, Overton, White, Fentress, Hardin, M'Nairy, Hardeman, Fayette, Shelby, Perry, Henderson, Madison, Haywood, Tipton, Carroll, Gibson, Henry and Weakley shall each elect one Representative.

The counties of Obion and Dyer shall jointly elect one Representative.

All of which is respectfully submitted.

H. C. ARMSTRONG, *Chairman*.

Mr. ROBERT J. MCKINNEY moved to lay said report on the table: which motion prevailed.

Mr. DOUGLASS submitted the following:

"*Resolved*, That this Convention will adjourn *sine die*, on Wednesday, twenty-seventh inst.: and that a Committee of three be appointed, to estimate and report the expences of the session up to that day."

And the rule requiring resolutions to lie one day on the table, being suspended, said resolution was adopted:

And thereupon the President appointed Messrs. Douglass, Childress and Gordon, to be said Committee.

Mr. BURTON submitted the following:

1st. "*Resolved*, That a committee of three be appointed to superintend the enrolment of the Constitution, which may be adopted by by this Convention.

2nd. "*Resolved*, That the roll, containing the draft of the amended Constitution adopted by this Convention and by it submitted to the People of this State for their ratification or rejection, be enclosed by the Secretary in a case proper for its preservation and be deposited among the archives of this State.

3rd. "*Resolved*, That the Secretary of this Convention do cause the Journal of the proceedings of this Convention, together with all the original documents in the possession of the Convention and connected with its proceedings, to be delivered over to the Secretary of State and by him deposited among the archives of this State."

And the rule requiring resolutions to lie one day on the table, being suspended, said resolutions were adopted:

And thereupon the President appointed Messrs. Burton, White and Robert J. McKinney to compose said committee.

On motion of Mr. HUNTSMAN, the proposed Preamble to the amended Constitution, as amended by Mr. Loving, was taken up, read and adopted.

On motion of Mr. JOHN A. MCKINNEY the Convention took up a proposition submitted by him on the fourteenth of August, on the subject of printing the private and local laws passed by the Legislature: which being read,

Mr. Garrett moved to lay said proposition on the table until the first day of January next:

And thereon the question was had, and determined in the affirmative; ayes 30, noes 28.

The ayes and noes being demanded by Mr. John A. McKinney,

The affirmative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Burton, Cannon, Childress, Cahal, Cross, Douglass, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Kincaid, Kendall, Loving, Montgomery, Neil, Nelson, Purdy, Richardson, Smith, Sharp, Ury, Whitson and White; 30.

The negative voters are,

Messrs. President (Carter), Blount, Cobbs, Cheatham, Fulton, Fogg, Hill, Hess, Kelly, Kincannon, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Marr, Porter, Roadman, Ridley, Robertson, Stephenson, Senter, Smartt, Walton, Webster and Weakley; 28.

And so said proposition was ordered to the table.

The first and second sections of the third article were read and adopted.

The third section being read,

Mr. Fulton moved to strike out of said section the words "unless he shall have been absent on public business of the United States or of this State"; which motion prevailed.

The fourth section being read,

Mr. Hess offered the following in lieu of said section; to wit:

"The first election for Governor shall be held on the first Thursday in August, one thousand eight hundred and thirty-five; the second election on the first Thursday in August, one thousand eight hundred and thirty-seven; the third election on the first Thursday in August, one thousand eight hundred and forty: and forever thereafter the election for Governor shall be held once in two years, on the first Thursday in August. The Governor shall hold his office for two years, and until another Governor shall be elected and qualified. No person shall be eligible as Governor more than six years in any term of eight years."

And thereupon the question was had, on receiving said amendment, and determined in the affirmative.

And the said fourth section, as amended, was adopted.

The fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth sections, were severally read and adopted.

The seventeenth section being read,

Mr. Kincannon moved to strike from the first line thereof, the word "this";

Which motion prevailed:

And said section, as amended, was adopted.

The first section of the fourth article being read,

Mr. Sharp moved to strike out therefrom the word "six" in the second line, and insert "three."

Which motion was lost.

The first section was then adopted.

The second third and fourth sections were severally read and adopted.

The first, second and third sections of the fifth article were severally read and adopted.

The fourth section being read,

Mr. Cahal moved to strike out from the sixth line, the word "and", land insert the words "and punishment," after the word "judgment", in the same line:

Which motion prevailed:

And the said fourth section, as amended, was adopted.

The fifth section being read,

Mr. Fogg moved to amend said section, by inserting the words "by said court" after the word "office" in the third line.:

Which motion prevailed.

Mr. Cobbs moved further to amend said section, by adding thereto the following; to wit:

"And shall be subject to such other punishment as may be prescribed by law."

Which motion also prevailed.

Mr Robert J. McKinney moved further to amend said section, by inserting the words "crimes or" preceding the word "misdemeanors":

Which also prevailed:

And said fifth section, as amended, was read and adopted.

Mr Blount moved a reconsideration of the vote adopting the first, second, third and fourth sections of the fifth article;

Which prevailing, he thereupon offered the following, in lieu of said sections; to wit:

"Let the Supreme Court, with a jury, try impeachments against the Governor, the Chancellors, the Secretary of State, the Attorneys for the State and Judges of the Circuit Court; let Circuit Courts try offenders in their circuits, and if a judge of the Supreme Court be impeached, let the Legislature provide a court for his trial."

And thereupon the question was had, and determined in the negative; ayes 13, noes 42.

The ayes and noes being demanded by Mr Ridley,

The affirmative voters are,

Messrs. Armstrong, Blount, Gillespy, Hill, Humphreys, Kelly, Kincannon, Mabry, Marr, Ridley, Robertson, Walton and Weakley; 13.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Cannon, Childress, Cahal, Cobbs, Cheatham, Douglass, Fulton, Fogg, Garrett, Gray, Gordon, Hodges, Huntsman, Hess, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, McGaughey, Montgomery, Neil, Nelson, Purdy, Roadman, Richardson, Stephenson, Senter, Smith, Smartt, Sharp, Ury, Whitson, White and Webster; 42.

And so said proposition was rejected.

Said first, second, third and fourth sections were again severally read and adopted.

The first section of the sixth article being read,

Mr Alexander moved the following amendment thereto, to wit:

"The Legislature may also vest such jurisdiction as may be deemed necessary in Corporation Courts."

And thereupon the question was had, and determined in the affirmative; ayes 37, noes 21.

The ayes and noes being demanded by Mr. Humphreys,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Alexander, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Hill, Huntsman, Humphreys, Kincannon, Kendall, Ledbetter, Loving, John A. McKinney, Montgomery, Nelson, Porter, Purdy, Richardson, Ridley, Robertson, Smith, Smartt, Sharp, Ury, Whitson, Walton, Webster and Weakley; 37.

The negative voters are,

Messrs. Allen, Bradshaw, Burton, Douglass, Gray, Gordon, Hodges, Hess, Kelly, Kincaid, Kimbrough, McClellan, Robert J. McKinney, Mabry, McGaughey, Marr, Neil, Roadman, Stephenson, Senter and White; 21.

And so said amendment was adopted.

Mr Kincaid proposed the following amendment to said section, to be inserted after the word "judges" in the last line thereof; to wit:

"And in such court as may be established, to be holden by justices of the peace in the respective counties."

In lieu of which and of the whole of said section, Mr Cannon offered the following, to wit:

"The judiciary power of this State shall be vested in such superior and inferior courts of law and equity as the Legislature may, from time to time, direct and establish."

And thereupon the question was had, and determined in the negative; ayes 12, noes 45.

The ayes and noes being demanded by Mr Cannon,

The affirmative voters are,

Messrs. Cannon, Cahal, Cobbs, Douglass, Gordon, Kincaid, McGaughey, Neil, Porter, Stephenson, Sharp and Weakley; 12.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Childress, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, Montgomery, Marr, Nelson, Purdy, Roadman, Richardson, Ridley, Robertson, Senter, Smith, Smartt, Ury, Whitson, Walton, White and Webster; 45.

And so said amendment was rejected.

The question was then had on Mr Kincaid's amendment and determined in the negative; ayes 19, noes 31.

The ayes and noes being demanded by Mr Kincaid,

The affirmative voters are,

Messrs. Armstrong, Blount, Cannon, Gillespy, Gray, Hill, Kelly, Kincaid, Kendall, McClellan, McGaughey, Montgomery, Neil, Porter, Richardson, Stephenson, Smith, Smartt and Sharp; 19.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Childress, Cobbs, Cheatham, Cross, Douglass, Fogg, Garrett, Gordon, Hodges, Huntsman, Hess, Kincannon, Kimbrough, Ledbetter, Loving, Robert J. McKinney, John A. McKinney, Marr, Nelson, Purdy, Roadman, Ridley, Robertson, Senter, Ury, Whitson, White and Webster; 31.

And so said proposition was rejected.

Mr Kincaid moved to strike from the third line the word "thereof":

Mr Weakley moved to amend Mr Kincaid's motion, by striking out the whole of the third line.

And the question being had thereon it was determined in the negaive; ayes 23, noes 34.

The ayes and noes being demanded by Mr Weakley,

The affirmative voters are,

Messrs. Armstrong, Cannon, Cheatham, Gillespy, Gray, Hill, Kelly, Kincannon, Kincaid, Kendall, Ledbetter, McClellan, McGaughey, Neil, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Walton and Weakley; 23.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Childress, Cahal, Cobbs, Cross, Douglass, Fulton, Fogg, Garrett, Gordon, Hodges, Huntsman, Humphreys, Hess, Kimbrough, Loving, Robert J. McKinney, John A. McKinney, Mabry, Montgomery, Marr, Nelson, Porter, Purdy, Roadman, Robertson, Ury, Whitson, White and Webster; 34.

And so the Convention refused to strike out.

The question was then had on Mr Kincaid's motion to strike out the word "thereof":

And said motion prevailed.

Mr Huntsman moved to strike out the word "the" from the second line, and to insert the word "in";

Which motion also prevailed.

Mr Montgomery moved to strike out the word "and" from the beginning of the third line:

Which motion was lost.

The first section was then read, as amended and adopted.

The second section being read,

Mr Armstrong moved to strike out all of said section after the word "place", where it first occurs in the fifth line, and to insert the words "in East Tennessee, and at one place in the Western District, and at not more than two places in Middle Tennessee."

And thereupon the question was had, and determined in the negative; ayes 28, noes 28.

The ayes and noes being demanded by Mr **Armstrong**,

The affirmative voters are,

Messrs. Armstrong, Cannon, Cross, Gillespy, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Ledbetter, McClellan, Mabry, McGaughey, Marr, Neil, Nelson, Richardson, Robertson, Stephenson, Senter, Smith, Smartt, Whitson, Walton and Webster; 28.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Childress, Cahal, Cobbs, Cheatham, Douglass, Fulton, Fogg, Garrett, Gray, Hodges, Kincannon, Kimbrough, Loving, John A. McKinney, Montgomery, Porter, Purdy, Roadman, Ridley, Sharp, Ury, White and Weakley; 28.

Mr **Stephenson** moved to amend said second section by striking out all after the words "supreme court" in the fifth line; and thereon the question was had and determined in the negative; ayes 27, noes 31.

The ayes and noes being demanded by Mr. **Stephenson**,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Cannon, Douglass, Gillespy, Gray, Hill, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, McGaughey, Neil, Nelson, Richardson, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Walton and Webster; 27.

The negative voters are,

Messrs. Allen, Alexander, Burton, Blount, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gordon, Hodges, Huntsman, Humphreys, Kincannon, Loving, Robert J. McKinney, John A. McKinney, Mabry, Montgomery, Marr, Porter, Purdy, Roadman, Ridley, Ury, Whitson, White and Weakley; 31.

And so said motion was lost.

The said second section was then adopted.

The third section being read,

Mr. **Cannon** moved to strike out the words, "so long as said Courts are continued by the Legislature."

Mr. **Kincaid** moved to strike out the words, "except the Justices of the Courts of Pleas and Quarter Sessions, so long as said courts are continued by the Legislature": and to insert in lieu thereof, the words "except such courts as may be established to be holden by Justices of the Peace."

In lieu of which Mr. **Porter** offered the following; to wit:

"Except the Justices of the Courts of Pleas and Quarter Sessions, if such Courts should be established by the Legislature."

Which was rejected.

Mr. **Huntsman** then proposed the following in lieu of the words proposed to be inserted by Mr. Kincaid; to wit:

"The Legislature may establish county courts to be holden by Justices of the Peace."

Mr. **Burton** moved to lay all the amendments proposed to the said third section on the table until the first day of January next; and thereupon the question was had and determined in the negative; ayes 19, noes 39.

The ayes and noes being demanded by Mr. **Kincaid**,

The affirmative voters are,

Messrs. Allen, Burton, Childress, Cahal, Cross, Douglass, Garrett, Gordon, Humphreys, Kimbrough, Robert J. M'Kinney, John A. McKinney, Mabry, Neil, Ridley, Robertson, Senter, Whitson and White; 19.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Blount, Cannon, Cobbs, Cheatham, Fulton, Fogg, Gillespy, Gray, Hodges, Hill, Huntsman, Hess, Kelly, Kincannon, Kincaid, Kendall, Ledbetter, Loving, McClellan, McGaughey, Montgomery, Marr, Nelson, Porter, Purdy, Roadman, Richardson, Stephenson, Smith, Smartt, Sharp, Ury, Walton, Webster and Weakley; 39.

And so the Convention refused to lay said amendments on the table.

The question then recurred upon the amendment proposed by Mr. Kincaid; which being had, it was determined in the affirmative.

Mr. **Cobbs** moved to strike out the words "twelve years" and insert "eighteen years"; and to add at the end of said section the words "and shall not be re-eligible."

Mr. **Allen** moved a division of the question:

Which motion prevailed.

Mr. **Garrett** then moved to lay said amendment on the table indefinitely: and the question being had thereon, it was determined in the affirmative; ayes 40, noes 17.

The ayes and noes being demanded by Mr. **Cahal**,

The affirmative voters are,

Messrs. Bradshaw, Burton, Cannon, Childress, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Whitson and Webster; 40.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Blount, Cahal, Cobbs, Kincannon, Kincaid, Loving, John A. McKinney, Marr, Sharp, Ury, Walton, White and Weakley; 17.

And so said amendment was indefinitely postponed.

Mr. **Marr** moved to strike out all of said section preceding the word "Judges" in the third line, and to insert in lieu thereof the following; to wit:

"Judges of the several courts of law and equity shall be elected by the qualified electors of Members of the General Assembly, in such manner as may be prescribed by law."

And the question being had thereon it was determined in the negative; ayes 8, noes 48.

The ayes and noes being demanded by Mr. **Mabry**,

The affirmative voters are,

Messrs. Bradshaw, Hodges, Hill, Humphreys, Kincannon, Marr, Nelson and Smith; 8.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Burton, Blount, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Neil, Porter, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smartt, Sharp, Ury, Whitson, Walton, White, Webster and Weakley; 48.

And so said proposition was rejected.

The said third section, as amended, was read and adopted.

Mr. **Cahal**, at the request of Mr. Nelson, moved a reconsideration of the vote adopting the second section:

Which motion was rejected.

Mr. **Armstrong** offered the following as an additional section to said article; to wit:

"The Supreme court in Middle Tennessee shall be held at whatever place the seat of government may be located."

But before any action was had thereon,

The Convention adjourned.

Monday, August 25, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. **Hess**, of the Cumberland Presbyterian Church.

Mr. **Armstrong**, from the committee to whom was assigned the duty of laying off and apportioning the Senatorial and Representative Districts, moved the following amendment to the report made by him from said committee on Saturday last; to wit:

"The counties of Monroe and McMinn shall jointly elect one Representative."

Which amendment was received.

Mr. **Sharp** moved a reconsideration of the vote heretofore taken, adopting the second section of the sixth article:

Which motion prevailing, said second section was again taken up; and having been read,

Mr. **Armstrong** moved a reconsideration of the vote heretofore taken, rejecting his proposition that the Supreme court may be held "at not more than two places in Middle Tennessee":

And thereupon the question was had and determined in the affirmative; ayes 38, noes 19.

The ayes and noes being demanded by Mr. CHILDRESS,

The affirmative voters are,

Messrs. Armstrong, Cannon, Cobbs, Cross, Douglass, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, McGaughey, Montgomery, Marr, Neil, Nelson, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Whitson, Walton, White, Webster and Weakley; 38.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Burton, Blount, Childress, Cahal, Cheatham, Fulton, Fogg, Garrett, Hodges, Loving, Robert J. McKinney, John A. McKinney, Mabry, Porter, Purdy and Ury; 19.

And so the Convention agreed to reconsider.

Thereupon Mr. ARMSTRONG renewed the proposition to strike out all of said section, after the word "place", where it first occurs in the fifth line thereof, and to insert in lieu thereof the following; to wit:

"In East Tennessee, and at one place in the Western District, and at not more than two places in Middle Tennessee."

Of which question Mr. STEPHENSON moved a division; which was refused.

The question was thereupon had on the proposition of Mr. Armstrong; and it was determined in the negative; ayes 27, noes 31.

The ayes and noes being demanded by Mr JOHN A. MCKINNEY,

The affirmative voters are,

Messrs President (Carter), Armstrong, Cannon, Cross, Douglass, Gillespy, Gordon, Hill, Huntsman, Kelly, Kincaid, Kimbrough, Ledbetter, McClellan, McGaughey, Neil, Nelson, Richardson, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Whitson and Webster; 27.

The negative voters are,

Messrs Allen, Alexander, Bradshaw, Burton, Blount, Childress, Cahal, Cobbs, Cheatham, Fulton, Fogg, Garrett, Gray, Hodges, Humphreys, Hess, Kincannon, Kendall, Loving, Robert J. McKinney, John A. McKinney, Montgomery, Marr, Porter, Purdy, Roadman, Ridley, Ury, Walton, White and Weakley; 31.

And so said amendment was rejected.

Mr STEPHENSON moved to strike out all of said section, after the word "Court" in the fifth line thereof: which, having been heretofore proposed and rejected, was declared to be now out of order.

Mr ARMSTRONG offered the following, as an amendment in lieu of said second section; to wit:

"The Supreme Court shall be composed of not less than three, nor more than five judges."

Which proposed amendment was rejected.

The said section, as amended, was then adopted.

The fourth section of said sixth article was read and adopted.

The fifth section having been read,

Mr John A. McKinney moved to strike out all of said section, from the beginning to the word "law" in the fourth line thereof: so as to strike out the provision for the appointment of an Attorney General for the State:

Which motion prevailed; ayes 30, noes 27.

The ayes and noes being demanded by Mr. John A. McKinney,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Cannon, Douglass, Gillespy, Gray, Hodges, Kelly, Kincannon, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Neil, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, [illegible], Whitson and Walton; 30.

The negative voters are,

Messrs. Alexander, Burton, Blount, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, [illegible], Garrett, Gordon, Huntsman, Humphreys, Hess, Kincaid, [illegible], Marr, Nelson, Porter, Purdy, Smartt, Scott, Ury, White, Webster and Weakley; 27.

And so said provision was striken out.

Mr. Gray moved to insert after the word "shall", in the fourth line of said section, the words "by joint vote of both Houses."

Which motion prevailed.

The said fifth section, as amended, was then adopted.

The sixth section having been read,

Mr. Armstrong moved to strike out the words "Attorney General" from said section, where they occur in the first and in the fifth line thereof:

Which motion prevailed.

Mr. Stephenson moved to strike out from the third line of said sixth section the words "all the Members elected", for the purpose of inserting the words, "the Members present":

Which was refused.

Mr. Fulton offered the following as an addition to said sixth section; to wit:

"The Judge against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the cause alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereupon."

Which was adopted; ayes 36, noes 22:

The ayes and noes being demanded by Mr Cahal,

The affirmative voters are,

Messrs. Alexander, Bradshaw, Blount, Cahal, Cobbs, Douglass, Fulton, Garrett, Gillespy, Gordon, Huntsman, Humphreys, Kincannon, Kincaid, Kimbrough, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Smith, Scott, Ury, Whitson and Webster; 36.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Burton, Cannon, Childress, Cheatham, Cross, Fogg, Gray, Hodges, Hill, Hess, Kelly, Kendall, Neil, Senter, Smartt, Sharp, Walton, White and Weakley; 22.

And so said amendment was adopted.

Mr Hess moved to strike out the whole of said sixth section.

Which was refused:

And said sixth section, as amended, was adopted.

The seventh section having been read,

Mr Neil offered the following as a substitute therefor; to wit:

"Judges of the Supreme Court shall not receive more than one thousand five hundred dollars per annum for their services, and Judges of the Inferior Courts not more than one thousand dollars per annum."

And the question being had thereon, it was determined in the negative; ayes 13, noes 45.

The ayes and noes being demanded by Mr [illegible],

The affirmative voters are,

Messrs. Armstrong, Bradshaw, Hodges, Kendall, Mabry, McGaughey, Neil, Nelson, Stephenson, Senter, Smith, Smartt and Sharp; 13.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Montgomery, Marr, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 45.

And so said amendment was rejected.

Mr Cahal moved to strike out from the end of the second line of said seventh section, the words "increased or."

And the question being had thereupon, it was determined in the negative; ayes 13, noes 46.

The ayes and noes being demanded by Mr Cahal,

The affirmative voters are,

Messrs. Childress, Cahal, Cobbs, Fulton, Fogg, Garrett, Huntsman, Kincannon, Loving, Robertson, Scott, Ury and Walton; 13.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Cheatham, Cross, Douglass, Gillespy, Gray, Gordon, Hodges, Hill, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Whitson, White, Webster and Weakley; 46.

And so the Convention refused to strike out.

The seventh, eighth, ninth and tenth sections were then severally read and adopted.

The eleventh section having been read,

Mr Fogg moved to insert in said eleventh section, after the word "in" in the second line thereof, the words "the event of":

Which motion prevailed, and

The said eleventh section, as amended, was adopted.

The twelfth, thirteenth and fourteenth sections were severally read and adopted.

The fifteenth section having been read,

Mr Stephenson moved the following as an addition to said section; to wit:

"Which addition shall not exceed one justice for every two hundred qualified voters."

In lieu of which and of the whole of said fifteenth section, Mr Purdy offered the following; to wit:

"The different counties in this State shall be laid off into districts of convenient size, in such manner as the General Assembly may direct, in which there shall be elected two justices of the peace and one constable, by the qualified voters therein, except districts including county towns, which may elect not more than three justices and two constables. The justices of the peace shall be elected for the term of six and the constables for the term of two years. The jurisdiction of said officers shall be regulated by law. Justices of the peace shall be commissioned by the Governor. Upon the removal of either of said officers from the district for which he was elected, his office shall become vacant from the time of such removal. The Legislature shall have power to provide for the appointment of an additional number of justices of the peace in incorporated towns."

Mr Gordon moved to strike from the sixth line of said fifteenth section the words "the jurisdiction of said officers shall be co-extensive with the county," and to insert in lieu thereof the following; to wit: "the jurisdiction of the justices of the peace shall be co-extensive with the county."

Whereupon Mr Huntsman moved, that all the proposed amendments be laid upon the table;

But before the question was had thereon, Mr Stephenson withdrew the proposed amendment submitted by him;

And the question being had on Mr Huntsman's motion; said motion prevailed.

Mr Sharp moved to strike out the word "six", and to insert in lieu thereof the word "four", in the seventh line of said section, as the term for which justices shall be elected:

Which motion was lost.

Mr Smartt move to strike the word "two" from the sixth line, and to insert in lieu thereof the word "one", as the number of Constables to be elected in county towns:

Which motion was lost.

Mr Cahal moved to strike from the sixth line of the fifteenth section the words "the jurisdiction of said officers shall be co-extensive with the county":

And the question being had thereon, it was determined in the negative; ayes 13; noes 43.

The ayes and noes being demanded by Mr Cahal,

The affirmative voters are,

Messrs. Allen, Cahal, Douglass, Garrett, Hill, Humphreys, Ledbetter, Loving, Purdy, Richardson, Ridley, Sharp and Walton; 13.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Fulton, Fogg, Gillespy, Gray, Gordon, Hodges, Huntsman, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Roadman, Robertson, Stephenson, Senter, Smith, Smartt, Scott, Whitson, White, Webster and Weakley; 43.

And so said proposition was rejected.

Mr Humphreys moved that the words "the jurisdiction of said officers shall be co-extensive with said county" be stricken from the sixth line of the said fifteenth section, and to insert in lieu thereof the words "the limits of the jurisdiction of said officers shall be regulated by law."

Mr Cheatham moved to lay said proposition on the table; which motion prevailed; ayes 35, noes 22.

The ayes and noes being demanded by Mr Humphreys,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Bradshaw, Blount, Cannon, Cobbs, Cheatham, Cross, Gray, Gordon, Hodges, Huntsman, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, McClellan, Marr, Neil, Porter, Roadman, Robertson, Stephenson, Senter, Smith, Smartt, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 35.

The negative voters are,

Messrs. Allen, Alexander, Burton, Childress, Cahal, Douglass, Fulton, Fogg, Garrett, Gillespy, Hill, Humphreys, Ledbetter, Loving, Robert J. McKinney, McGaughey, Montgomery, Nelson, Purdy, Richardson, Ridley and Sharp; 22.

And so said proposition was indefinitely postponed.

Mr Stephenson then renewed his motion to add to said section the following words; to wit:

"Which addition shall not exceed one Justice for every two hundred qualified voters":

Which proposition was rejected; ayes 27, noes 31.

The ayes and noes being demanded by Mr Stephenson,

The affirmative voters are,

Messrs. President (Carter), Allen, Bradshaw, Cannon, Childress, Cahal, Cobbs, Fulton, Fogg, Gillespy, Huntsman, Humphreys, Kelly, Kendall, Kimbrough, Ledbetter, McClellan, McGaughey, Neil, Porter, Purdy, Roadman, Robertson, Stephenson, Sharp, Scott and Webster; 27.

The negative voters are,

Messrs. Armstrong, Alexander, Burton, Blount, Cheatham, Cross, Douglass, Garrett, Gray, Gordon, Hodges, Hill, Hess, Kincannon, Kincaid, Loving, Robert J. McKinney, Mabry, Montgomery, Marr, N[illegible]son, Richardson, Ridley, Senter, Smith, Smartt, Ury, Whitson, Walton, White and Weakley; 31.

And so said proposition was rejected.

Mr **Alexander** moved to strike out from the said fifteenth section the words "there shall be two Justices of the Peace and one Constable elected in each District, by the qualified voters therein": and to insert in lieu thereof the words "there shall be elected for the county two Justices of the Peace and one Constable, in each District, by the qualified voters therein":

Which motion was rejected.

Mr **Purdy** moved to strike out the word "shall" from the fifth line, for the purpose of inserting the word "may":

Which proposition was rejected.

Mr **Cannon** moved to strike out from the said fifteenth section the words "so that the whole number in each county shall not be more than twenty-five, or four for every one hundred square miles."

Which proposition was rejected.

Mr **Cahal** moved to strike out the word "for" from the eighth line, and to insert the word "in" in lieu thereof:

Which motion prevailed.

Mr **Cobbs** moved to strike out the words "twenty-five" from the third line, for the purpose of inserting the word "thirty" in lieu thereof.

Whereupon Mr **Huntsman** moved the previous question: which prevailing,

The said fifteenth section, as amended, was adopted.

The seventh article was then taken up:

The first section thereof was read and adopted.

The second section having been read,

Mr **Fogg** moved to strike from the fourth line thereof, the word "vacancy"; and to insert in lieu thereof the word "office":

Which motion prevailed.

The said second section, as amended, was then adopted.

The third and fourth sections were then read and adopted.

The fifth section having been read,

Mr **Allen** moved that said fifth section be stricken out:

Which proposition was rejected.

Mr **Stephenson** moved to strike out from the second line of said section the word "given" and to insert in lieu thereof the word "submitted":

Which proposition was rejected.

Mr **Mabry** moved that the words "take place on the first Thursday of May one thousand eight hundred and thirty-six, and forever thereafter on the first Thursday of May", be inserted in said section, after the word "shall" in the second line, and in lieu of all the remainder of said section:

Which proposition was rejected.

Mr **Kincaid** moved to strike out from the second line of said section, [illegible] words "shall be" for the purpose of inserting in their stead the word [illegible]

Mr **John A. McKinney** moved to amend said motion, by striking out the words "shall be given to the people by this Constitution" and inserting in lieu thereof "as the people are, by this Constitution, to elect."

In lieu of which proposed amendments and in lieu of the whole of said section, Mr **Cahal** offered the following; to wit:

"The election of such county and other officers as is to be made by the people shall be held on the first Thursday in August in a different year from that in which the Members of the Legislature and the Governor are elected."

And the question thereon being had, it was determined in the negative; ayes 7, noes 49.

The ayes and noes being demanded by Mr. **Cahal**,

The affirmative voters are,

Messrs. President (Carter), Blount, Cahal, Cheatham, Douglass, Huntsman and Weakley; 7.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Burton, Cannon, Childress, Cobbs, Cross, Fulton, Fogg, Gray, Gordon, Hodges, Hill, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White and Webster; 49.

And so said proposition was rejected.

The question then recurred upon the amendment proposed by Mr John A. McKinney; and being had thereon, it was determined in the affirmative.

Said fifth section, as amended, was then adopted.

The eighth article was then taken up.

The first section having been read,

Mr. **Huntsman** offered the following as an addition to said section at the beginning thereof; to wit:

"The Majors General shall be elected by the field officers of their respective divisions."

Which was determined in the negative; ayes 15, noes 43:

The ayes and noes being demanded by Mr. **Huntsman**,

The affirmative voters are,

Messrs. President (Carter), Cahal, Cobbs, Douglass, Fulton, Garrett, Gray, Huntsman, Kendall, Loving, Richardson, Robertson, Scott, Ury and Weakley; 15.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Cross, Fogg, Gillespy, Gordon, Hodges, Hill, Humphreys, Hess, Kelly, Kincaid, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Whitson, Walton, Whi[illegible] Webster; 43.

And so said proposition was rejected.

Said first section was adopted.

The second section having been read,

Mr. PORTER, moved to amend said section by inserting in the first line thereof, after the words "Adjutant General," the words "and his other staff officers."

Which motion prevailed.

Mr. KINCAID moved to amend said section, by inserting in the last line thereof, after the word "shall", the word "respectively":

Which motion also prevailed; and

Said section, as amended, was adopted.

The third section was read and adopted.

The ninth article was then taken up.

The first and second sections thereof were read and adopted.

The third section having been read,

Mr. CHILDRESS moved to strike from the first line thereof the words "being a citizen of this State or a resident therein":

Which motion prevailed.

Mr. FULTON offered the following in lieu of said section; to wit:

"The Legislature may provide by law that no person shall be capable of holding or being elected to any post of profit, trust or emolument, civil or military, legislative, executive or judicial, under the government of this State, who shall hereafter fight a duel, or send or accept a challenge to fight a duel, the probable issue of which may be the death of the challenger or challenged; or who shall be a second to either party, or who shall in any manner aid or assist in such duel; or shall be knowingly the bearer of such challenge or acceptance":

Which was rejected.

Mr. KINCANNON moved to amend said section, by inserting in the second line thereof, after the word "duel", the words "in this State":

Which proposition was also rejected.

The question was then had on the adoption of said third section; and determined in the affirmative; ayes 46, noes 12.

The ayes and noes being demanded by Mr. HUMPHREYS,

The affirmative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Hess, Kelly, Kincaid, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Marr, Neil, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 46.

The negative voters are,

Messrs. Armstrong, Burton, [illegible], Cobbs, Fulton, Humphreys Kincannon, Mabry, Nelson, Porter, [illegible]urdy and Robertson; 12.

And so said third section, as amended, was adopted.

The tenth article was then taken up.

The first section thereof was read and adopted.

The second section having been read,

Mr. Ledbetter moved to strike therefrom the words "I will in all appointments, vote without favor, affection, partiality or prejudice; and that":

And thereupon the question was had, and determined in the negative; ayes 24, noes 34.

The ayes and noes being demanded by Mr. Ledbetter,

The affirmative voters are,

Messrs. Alexander, Childress, Cahal, Cheatham, Cross, Douglass, Garrett, Gillespy, Gordon, Humphreys, Kincannon, Kimbrough, Ledbetter, Mabry, Marr, Neil, Purdy, Richardson, Ridley, Robertson, Sharp, Scott, Whitson and Walton; 24.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Burton, Blount, Cannon, Cobbs, Fulton, Fogg, Gray, Hodges, Hill, Huntsman, Hess, Kelly, Kincaid, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Nelson, Porter, Roadman, Stephenson, Senter, Smith, Smartt, Ury, White, Webster and Weakley; 34.

And so the Convention refused to strike out, as proposed.

The said second section was then adopted.

The third section was read and adopted.

The fourth section having been read,

Mr. Montgomery moved to amend said section, by adding the following proviso thereto; to wit:

"And provided also, that the county of Humphreys may be divided at such time as may be prescribed by the Legislature, making the Tennessee river the dividing line, a majority of the qualified voters of said county voting in favor of said division:"

Which motion prevailed.

Mr. McClellan moved to amend said section, by adding the following proviso thereto, to wit;

"And provided also, that the county of Sullivan may be reduced below six hundred and twenty-five square miles; but the line of any new county which may be hereafter laid off, shall not approach the county seat of said county nearer than ten miles":

Which motion prevailed.

Mr. Kincannon moved to amend said section, by inserting in the sixteenth and in the nineteenth lines, after the words "separate county," "provided it shall contain three hundred and fifty square miles":

Which motion prevailed.

Mr. Kincaid moved to amend said section, by inserting in the eleventh line thereof after the word "but". the words "shall not be reduced below four hundred and seventy-five square miles, and":

Which motion prevailed.

Mr. Cannon offered the following as an amendment to said section; to wit:

"In the event one new county, containing the territory herein before mentioned, cannot be had on the east, including the surplus territory of Warren, Franklin and Bedford, and also one new county on the west side of Bedford, including the surplus territory of Maury, Giles, Lincoln and Bedford: but should there be sufficient territory for the new counties as aforesaid, without the reduction of Bedford county below the contents of six hundred and twenty-five square miles, then and in that case, said county of Bedford shall not be reduced below the contents allowed generally to other old counties."

But before any action was had thereon,

The Convention adjourned.

Tuesday, August 26, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr Hess of the Cumberland Presbyterian Church.

Mr. Blount, from the Committee on Internal Improvement, made the following

REPORT:

"Whereas the geographical position of Tennessee, in reference to the other States of the Union, she being central, and whereby, she is, every where, separated at a great distance from the national frontier, a situation affording a peculiarly favorable position for usefulness; a position, which gives her population, and her citizen-soldiers the enviable character of disposable force, with the glorious privilege of being permitted, in a state of war, to fly to the succor of whatever part of the national frontier may be the theatre of war, and to co-operate in the national defence with whatever sister State or Territory may be assailed by an invading foe; thereby demonstrating to the world, the hitherto doubtful political problem, that freemen know how to appreciate, equally, the kindred privileges and duties of self-government, and self (or national) defence—privileges and duties equally essential to the efficient maintenance of our republican institutions, and our national independence—privileges and duties, in the vigorous exercise and discharge of which we may contribute to prove, to a hitherto doubting, and a future admiring world, that the freest and happiest of republics may be, in war, the most powerful and invulnerable of nations. And whereas, steam power, applicable to ships and other vessels of war, as well as to the every species of military carriage or vehicle of transportation that moves on land, cannot but tend to produce a revolution in military operations and military science, whereby, nations will, in future, be attacked with the aid of steam, and consequently, with a celerity of movement which must subject the assailed nation to inevitable destruction, unless she also employs steam power, and in her measures is, in vital and vulnerable points, prepared to oppose to the enemy's rapid approach, disposable force and supplies thrown with increased rapidity, from the central States and districts to the maritime and inland frontier. And whereas, for these objects, it is essential to the purposes of the national defence, that the States, in their separate and sovereign capacity, should co-operate with each other in carrying into effect a principle consecrated by the wisdom of Washington, and embraced in the parental admonition found in the rich legacy which he has left us, "In peace prepare for war":—And whereas, a system of rail roads, extending through this State, and from thence to such parts of the national frontier as our sister States may deem proper, would not only provide mainly for the national defence, by enabling us to send, in the space of four days' time, any part of our disposable force and abundant supplies to any part of the maritime frontier between the Chesapeake Bay and the river Sabine, but, by these rail roads, we should contribute to relieve the agriculture and commerce of our State of a large portion of their expense of transportation, give to every citizen of the State, our invaluable and beloved patriotic State, the advantage of a choice of the best and all desirable markets at a trifling expense, for whatever redundant produce his ingenuity, enterprise, means or industry may enable him to furnish for market: and moreover afford to the State, whenever disposed to take an interest in those improvements, a clear revenue sufficient to fill our treasury and support her civil list, as well as provide extensively for the education of her youth; and all these without taxes on her people—therefore

Resolved, That State and County internal improvement shall forever be encouraged by the Government of this State: and that it shall be the duty of the Legislature, as soon as may be, and from time to time, to make provision by law, for ascertaining the most proper objects of improvement, in relation both to roads and our navigable waters, pointing out the particular description of either most practicable to be effected, at the most reasonable expense: and that it shall be their duty also, to provide by law for a systematic and economical application of any funds, at any time appropriated to those objects, all to be under a due course of accountability, at fixed and short periods: and that to these ends, the same be placed under the superintendence and direction of a board of public works, the commissioners of which shall, from time to time, be appointed by the Legislature, the President of which board shall, from time to time, at fixed periods, report the amount, application and other particulars of, and relative to said funds and proceedings of the board, to the Legislature, who shall order publications thereof to be made and distributed, for the information of the people, at the close of each stated session of the Legislature, together with a statement of the situation and progress of each description of such improvements, to be filed and recorded in the office of the Secretary of State, subject to the call and inspection of the Legislature or either branch thereof, and to that of the Governor, for the information of the Legislative and Executive departments of the Government.

And be it further resolved, That the Legislature shall have power and authority to grant charters of incorporation to such companies as may form themselves into associations for the purpose of undertaking and carrying on internal improvement, either on land or by water, in any part of the State, with their own capital, either in hand or such as they may obtain by opening books of subscription for the purpose of raising or increasing their capital: and that the Legislature be also authorized to provide, that the State may, at its discretion, subscribe for some definite number of shares with said company or companies: and that said companies, as to the application of funds, be subject to such regulations as shall, from time to time, be prescribed by law: and that full and regular reports of the proceedings of such company or companies shall, at stated periods, be made to the Legislature of this State, which shall be filed and recorded in the Secretary of State's office, for the inspection of the Legislative and Executive departments of the government; and that they be published, from time to time, for the information of the people of the State at large, and that all due accountability of such company or companies be enjoined by law, at stated periods to be performed and in such manner and time as shall be prescribed by law.

In Convention, July 23, 1834.

To the Convention, in session, for the State of Tennessee:

We, your committee, to whom was referred the preamble and resolutions on the subject of State and County internal improvement, introduced July 23, 1834, of which the foregoing are copies, beg leave to state, that we have had the same under consideration, and having duly considered them, and concurring in the opinion of their correctness, and viewing them as calculated to lead to great utility in aiding the prosperity of this State; and also concurring in the justness of the liberal and wide-spread view therein mentioned, and of the importance of State and County internal improvement set forth in those resolutions and preamble, if those objects are carried into effect; and taking them as the basis for the action of this committee, we ask leave to incorporate them herewith, and to report them herein, as a part of the report of your committee, and to recommend their adoption by the Convention, and also respectfully to suggest, that a provision be inserted in this Constitution, that State and County internal improvement, by land and water, shall forever be encouraged by the government of this State; and that it shall be the duty and business of the Legislature to carry such provision into full and complete effect; and that it shall be the duty also of that body, to provide by law, for a safe, systematic and economical application of such funds, placed under strict accountability for the disbursement, as may from time to time be raised, donated or subscribed in any manner, and appropriated to those objects of internal improvement which the State and each and every of her citizens have an inexpressibly valuable interest in having consummated: and furthermore, that the Legislature be authorized to carry the necessary provisions and measures therefor into effect, in such manner and as promptly, as it, in its discretion as to mode, may deem most proper and most conducive to the public interest, and most proper to accommodate the people, and most effectually to serve them, by keeping them unburthened by taxes; to wit: by granting charters to incorporated companies, as before suggested, as the best mode to obtain a clear revenue, sufficient, if the State have an interest with said companies, not only to fill her treasury and support her civil list, but as well as to provide extensively for the education of her youth, as New York and some other States of this Union have done without taxes on their people, besides other benefits of great value accrued, and last accruing there to those States and their people, placed in the most prosperous condition by thus encouraging internal improvements, leading to a lively intercourse and an advantageous commerce to the States encouraging and cherishing such improvements; and Tennessee, second to no State in the Union, in point of advantageous situation, and of importance, in prospective, filled with means and with men of enterprise, with integrity and intelligence to direct laudable objects, and to conduct them with spirit and industry to the highest attainable point in usefulness, can do the same which New York, Pennsylvania, Ohio and other enterprising States in well directed internal improvements have done and are experiencing the benefits of; benefits in a large degree contributed to, by the intercourse and profits of commerce carried on through such mediums with other States, which have sent their trade and commerce thither. And your committee respectfully add, that well regulated and well secured companies in public confidence, can obtain, as is well known, any amount of capital they please, by subscription or on loans, at a moderate interest, which interest the lenders would rather receive from time to time as best suits the borrowers, than to receive the amount loaned, as exemplified in New York and in Pennsylvania, as well as in Ohio, where a return of the capital has been tendered and refused by the lenders, who prefer to receive the interest only, whilst the borrowers are profiting by the use of the capital, which produces if they please, a compound interest in the increased and increasing value of their improvements.

All which premises are respectfully and confidently submitted.

WILLIE BLOUNT,
Chairman of the Committee.

NASHVILLE, August 26, 1834.

On motion of Mr BURTON, the report of the committee to whom was referred the resolution directing an inquiry as to the most convenient plan of submitting the amended Constitution to the people, for their ratification or rejection, was recommitted to said committee.

Mr KINCAID presented the memorial of sundry citizens of Bedford county, on the subject of a new county and in support of the course pursued by the Delegates from said county on that subject:

Which was read and ordered to the table.

Mr **Bradshaw** presented the memorial of sundry citizens of Jefferson county, on the subject of emancipation:

Which, on motion of Mr **Kimbrough**, was ordered to the table.

On motion of Mr **Huntsman**,

Ordered, That Adam R. Alexander have leave to withdraw the papers filed by him, in the contested election between himself and Edward Ward.

On motion of Mr **Huntsman**,

The Constitution, so far as amended on its third reading, was referred to the revising Committee.

On motion of Mr **Garrett**, the Constitution was then taken up; and the amendment of Mr Cannon to the fourth section of the tenth article, being the subject for the consideration of the Convention, was thereupon read.

Mr **Garrett** moved that said amendment be laid on the table indefinitely:

Which motion prevailed.

Mr **Cannon** then offered the following amendment to said fourth section; to be inserted after the words "square miles", in the eleventh line thereof; to wit:

"Should there not be enough of the surplus territory of Franklin, Warren and Bedford counties to make one new county, on the east, containing four hundred square miles, and also a sufficiency on the west, including the surplus territory of Maury, Giles, Lincoln and Bedford, for another new county, but in the event there should not be territory sufficient for the new counties as aforesaid, then and in that case the county of Bedford may be reduced so far only as will make up the deficiency of territory required for said new counties."

Mr **Webster** moved that the said amendment be laid on the table, until the first day of January next:

Which motion prevailed.

Mr **Walton** moved a reconsideration of the vote taken yesterday, on the adoption of Mr Kincannon's amendment to the fourth section:

Which motion prevailed.

Thereupon Mr **Kincannon** withdrew his amendment.

Mr **Allen** moved to amend said section, from the word "county" in the twelfth line to the middle of the twenty-first line, so as to read when amended as follows; to wit:

"*Provided also*, that all that part of Smith County which lies south of a direct east and west line, to be run across the county, from a point that will leave the present court-house fifteen miles north of any part thereof, may of itself, or in conjunction with the territory of other adjoining counties, if there should be a surplus in said counties, be formed into a separate county; provided it contains three hundred and fifty square miles: Also, all that part of Smith county, which lies north of a direct east and west line, to be run across the county, from a point that will leave the present court-house, fifteen miles south of any part thereof, may of itself, or in conjunction with the territory of other counties, if there should be a surplus in said counties, be formed into a separate county, whenever a new county shall have been established out of the south part of said county, as herein provided for, and not before, unless it also contains three hundred and fifty square miles; in such manner as the Legislature may hereafter direct, whenever it shall be made to appear that a majority of the qualified voters, within the bounds intended to be separated, consent thereto."

Which amendment was adopted.

Mr **Ledbetter** offered the following as an amendment to said section; to wit:

"The counties of Bledsoe and Marion shall not be reduced below one thousand qualified voters each, in forming a new county or counties."

Which amendment was adopted.

Mr **Huntsman** proposed the following amendment to said fourth section; to wit:

"And provided also that the counties of Carter, Rhea and Humphreys, shall not be divided into more than two counties each. Nor shall more than one new county be taken out of the territory now comprising the counties of Tipton and Dyer. Nor shall the seats of justice in the counties of Rhea, Carter, Tipton and Dyer be removed without a concurrence of two thirds of both branches of the Legislature."

Which amendment was adopted.

Mr **Cannon** moved to strike out the word "majority" from the fifth line of said section and to insert the words "two-thirds":

Which motion was lost.

Mr **Walton** moved to strike out the exceptions in said section in relation to Smith county.

Which motion prevailed.

Mr **Cannon** moved to strike out the exception in relation to Bedford county: and the question being had thereon, it was determined in the negative; ayes 15, noes 40.

The ayes and noes being demanded by Mr **Fulton**,

The affirmative voters are,

Messrs. Allen, Bradshaw, Cannon, Childress, Fulton, Fogg, Humphreys, Ledbetter, Loving, Purdy, Robertson, Stephenson, Scott, Ury and White; 15.

The negative voters are,

Messrs. President (Carter), Alexander, Burton, Blount, Cahal, Cobbs, Cheatham, Douglass, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Neil, Nelson, Porter, Roadman, Richardson, [illegible], Senter, Smith, Smartt, Sharp, Whitson, Walton, Webster [illegible]; 40.

And so the Convention refused to strike out, as proposed.

Mr **Robertson** moved to strike all the special provisions from the said section, beginning with the word "*Provided*" in the ninth line thereof:

And the question being had thereon, it was determined in the negative; ayes 16, noes 39.

The ayes and noes being demanded by Mr ROBERTSON,

The affirmative voters are,

Messrs. Allen, Bradshaw, Burton, Cannon, Childress, Douglass, Fulton, Gillespy, Humphreys, Kimbrough, Mabry, Porter, Purdy, Robertson, Scott and White; 16.

The negative voters are,

Messrs. President (Carter), Alexander, Blount, Cahal, Cobbs, Cheatham, Fogg, Garrett, Gray, Gordon, Hodges, Hill, Huntsman, Hess, Kelly, Kincannon, Kincaid, Kendall, Ledbetter, Loving, McClellan, Robert J. McKinney, McGaughey, Montgomery, Neil, Nelson, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Ury, [illegible], Walton, Webster and Weakley; 39.

And so the Convention refused to strike out said special provisions.

Mr PORTER moved the following amendment, to be inserted after the amendment, heretofore adopted on motion of Mr Kincaid and inserted after the word "but", in the eleventh line; to wit:

"There shall not be laid off more than one new county on the West, and one on the East adjoining the county of Bedford, and";

Which amendment was adopted.

The said fourth section, as amended, was adopted.

The fifth section having been read,

Mr LEDBETTER offered the following as an addition to said section; to wit:

"Until the next apportionment of Members to the General Assembly, after such new county may be established";

Which amendment was adopted.

The said fifth section, as amended, was then adopted.

Mr FOGG, from the Committee to whom was assigned the duty of correcting the phraseology of the amended Constitution, made a report, that the said Committee have carefully examined the first, second, third, fourth and fifth articles, and had instructed him to recommend sundry amendments and erasures:

All of which were severally read and concurred in.

The eleventh article was taken up:

The first section thereof being read, was adopted.

Mr FOGG proposed that the following be inserted and constitute the second section of said article; to wit:

"Nothing contained in this Constitution shall impair the validity of any debts or contracts, or affect any rights of property, or any suits, actions or rights of action, or other proceedings in courts of justice."

Which was received and adopted as the second section.

The third section being read,

Mr PORTER moved to amend said section, by adding the following thereto: "nor shall more than two amendments be submitted to the people at the same time."

Which was rejected;

And said third section was adopted.

Mr CARTER proposed that the following be inserted and constitute the fourth section of said article; to wit:

"The Legislature shall have no power to create any Stock to be vested in any Bank, which would operate as a pledge of public faith, and subject taxable polls and property within this State to taxation for its redemption."

Mr HUMPHREYS moved to lay said proposition on the table:

And thereupon the question was had and determined in the negative; ayes 28, noes 29.

The ayes and noes being demanded by Mr. CARTER,

The affirmative voters are,

Messrs. Alexander, Burton, Childress, Cahal, Cobbs, Cross, Fulton, Fogg, Gillespy, Gray, Hill, Humphreys, Kelly, Ledbetter, Loving, Mabry, Neil, Porter, Purdy, Richardson, Ridley, Smartt, Sharp, Scott, Ury, White, Webster and Weakley; 28.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Blount, Cannon, Cheatham, Douglass, Garrett, Gordon, Hodges, Huntsman, Hess, Kincannon, Kincaid, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A McKinney, McGaughey, Montgomery, Roadman, Robertson, Stephenson, Senter, Smith, Whitson and Walton; 29.

And so the Convention refused to lay said proposition on the table.

Mr. HUNTSMAN offered the following amendment to said proposition; to wit:

"Without the concurrence of three-fifths of both branches of the Legislature."

Which proposition was rejected.

Mr. DOUGLASS offered the following amendment to said proposition; to wit:

"Nor shall any bank hereafter established, issue notes under the denomination of ten dollars."

Which was also rejected.

The question recurring, and being had on the adoption of Mr. CARTER's proposition, it was determined in the negative; ayes 25, noes 31.

The ayes and noes being demanded by Mr. STEPHENSON,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Cheatham, Douglass, Garrett, Gordon, Hodges, Huntsman, Hess, Kincaid, Kimbrough, McClellan, Robert J. M'Kinney, John A. M'Kinney, Mabry, McGaughey, Montgomery, Roadman, Robertson, Stephenson, Senter, Smith and Whitson; 25.

The negative voters are,

Messrs. Alexander, Burton, Blount, [illegible] Childress, Cahal, Cobbs, Cross, Fulton, Fogg, Gillespy, Gray, [illegible] Humphreys, Kelly, Kincannon, Kendall, Ledbetter, Loving, Porter, Purdy, Richardson, Ridley, Smartt, Sharp, Scott, Ury, Walton, White, Webster [illegible] ley; 31.

And so said proposition was rejected.

Mr. Allen offered the following as an additional section to said article; to wit:

"The Legislature shall not charter any bank that does not subject the individual property of the stockholders in proportion to their stock, to the payment of all notes, debts and liabilities created by said bank, when the funds of the corporation are found insufficient to discharge the same."

Which was also rejected.

Mr. Weakley offered the following as an additional section to said article; to wit:

"A Comptroller of the public accounts shall be biennially appointed by the General Assembly—or the duties of such an officer shall be performed *ex-officio* by the Secretary of State as the Legislature shall direct":

Which was also rejected.

The fourth and fifth sections of said article were severally read and adopted.

The sixth section being read,

Mr. Armstrong offered the following in lieu of said section; to wit:

"The rate of interest shall not be more than six *per centum per annum* in this State."

Which was rejected.

The sixth section was then adopted.

The seventh section being read,

The question was then had upon the adoption of said section, and determined in the affirmative; ayes 31, noes 25.

The ayes and noes being demanded by Mr Gray,

The affirmative voters are,

Messrs. President (Carter), Burton, Blount, Cannon, Childress, Cheatham, Cross, Fulton, Fogg, Garrett, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, Montgomery, Roadman, Ridley, Robertson, Senter, Smith, Sharp, Scott, Walton, White and Weakley; 31.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Cahal, Cobbs, Douglass, Gillespy, Gray, Kelly, Kincannon, Kincaid, Kendall, Ledbetter, Loving, Mabry, McGaughey, Porter, Purdy, Richardson, Stephenson, Smartt, Ury, Whitson and Webster; 25.

And so said section was adopted.

The eighth section was read and adopted.

The ninth section being read,

Mr. White moved to strike therefrom the word "diffusing", and to insert the words "the diffusion of";

Which was received;

And said section, as amended, was adopted.

The tenth and eleventh sections were severally read and adopted.

The Schedule was then taken up.

The first section thereof being read,

Mr. Purdy offered the following amendment thereto; to wit:

"All officers who shall be elected by the General Assembly, shall hold their offices for the terms as provided for by this Constitution, and until such offices shall be filled at the succeeding regular session of the Legislature."

In lieu of which Mr. Ledbetter offered the following; to wit:

"Judges of the Supreme Court, the Judges of the Circuit Courts, the Attorneys General, Secretary of State, the Treasurers and such other officers as are to be elected by the General Assembly, whose terms may expire in the recess of the Legislature in consequence of changing the time of the meeting of regular sessions of the General Assembly from the odd to the even years, may continue in office until the end of the next session of the Legislature, after the expiration of such term."

Which amendment was received.

Mr. Cheatham moved to lay the schedule and said amendment on the table;

Which motion prevailed.

Mr. Cheatham moved a reconsideration of the vote adopting the seventh section of the second article of the Constitution, together with all other sections relating to the election of officers under the amended Constitution, and the time of meeting of the Legislature.

Which motion prevailed; ayes 30, noes 26.

The ayes and noes being demanded by Mr. Huntsman,

The affirmative voters are,

Messrs. Allen, Armstrong, Bradshaw, Burton, Cannon, Childress, Cahal, Cobbs. Cheatham, Douglass, Garrett, Gray, Gordon, Hodges, Kincannon, Kendall, Ledbetter, Loving, Robert J. McKinney, Mabry, McGaughey, Neil, Porter, Purdy, Richardson, Stephenson, Sharp, Scott, Whitson and White; 30.

The negative voters are,

Messrs. President (Carter), Alexander, Blount, Fulton, Fogg, Gillespy, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kimbrough, McClellan, John A. McKinney, Montgomery, Roadman, Ridley, Robertson, Senter, Smith, Smartt, Ury, Walton, Webster and Weakley; 26.

And so the said vote was reconsidered.

Mr. Burton moved to strike out from the eighth section of the second article the following words; to wit:

"The second on the first Monday in October one thousand eight hundred and thirty-seven; the third on the first Monday in October one thousand eight hundred and forty."

Which motion prevailed.

Whereupon Mr. Cheatham moved that all those parts of the amended Constitution, which relate to the election of Members of Congress, Governor and Members of the Legislature, and the meeting of the General Assembly under this Constitution, be referred to the revising committee, with instructions so to arrange them, as that said elections be made once in every two years, in order that the sessions of the Legislature may meet as heretofore :

Which motion prevailed.

The Schedule was again taken up, and the sections thereof being severally read, were adopted.

On motion of Mr. FULTON, the subject of the location of the Seat of Government was taken up :

Whereupon Mr. CANNON called up a resolution submitted by him on the 30th day of May, providing for the permanent location of the Seat of Government ; which was taken up and read.

In lieu of which, Mr. CAHAL offered the following; to wit :

"The Seat of Government shall be permanently established by the third Legislature that shall sit under this Constitution, at its first session."

And thereupon the question was had, and determined in the nega-18, noes 40.

The ayes and noes being demanded,

The affirmative voters are,

Messrs President (Carter), Alexander, Cahal, Cobbs, Gillespy, Gray, Huntsman, Humphreys, Kendall, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Purdy, Roadman, Robertson and Stephenson; 18.

The negative voters are,

Messrs. Allen, Armstrong, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gordon, Hodges,Hill, Hess, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, Montgomery, Neil, Nelson, Porter, Richardson, Ridley, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 40.

And so said proposition was rejected.

The question recurring upon the adoption of Mr CANNON's resolution, and being had, it was determined in the affirmative; ayes 38, noes 20.

The ayes and noes being demanded by Mr CANNON,

The affirmative voters are,

Messrs. Allen, Armstrong, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Douglass, Fulton, Fogg, Garrett, Gordon, Hodges, Hill, Hess, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, Loving, Montgomery, Neil, Nelson, Richardson, Ridley, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 38.

The negative voters are,

Messrs. President (Carter), Alexander, Cahal, Cobbs, Cross, Gillespy, Gray, Huntsman, Humphreys, Kendall, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Porter, Purdy, Roadman, Robertson and Stephenson; 20.

And so said resolution was adopted :

And then the Convention adjourned.

WEDNESDAY, August 27, 1834.

The Convention met pursuant to adjournment, and was opened with prayer, by the Rev. Mr EDGAR, of the Presbyterian Church.

Mr JOHN A. MCKINNEY and Mr WALTON presented the reasons which influenced them to vote for limiting the compensation of the Members of the Convention and of the Legislature to three dollars per day, and the same sum for every twenty-five miles travelling; and moved that they be spread upon the Journals:

And thereupon the question was had, and determined in the affirmative; ayes 39, noes 16.

The ayes and noes being demanded by Mr HUMPHREYS,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Blount, Cannon, Cahal, Cross, Douglass, Fogg, Garrett, Hill, Huntsman, Hess, Kelly, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Nelson, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Ury, Whitson, Walton, White, Webster and Weakley; 39.

The negative voters are,

Messrs. Burton, Childress, Cobbs, Cheatham, Fulton, Gray, Gordon, Hodges, Humphreys, Kincaid, Kendall, Loving, Neil, Porter, Purdy and Scott; 16.

And so the Convention ordered that said reasons be spread upon the Journals:

Which reasons are in the following words, to wit:

"In the exercise of that privilege, which secures to every member of this Convention, the right of spreading on the journals, his reasons for the vote he may have given, on any proposition submitted to the consideration of the convention; and to enter his protest against the vote of the majority, in any case, when he may have voted in the minority; the undersigned will respectfully state the reasons why they proposed to limit the compensation of the members of the *Convention*, and of the *Legislature*, to *three dollars per day*, and to the same sum for every twenty-five miles travelling to and from the seat of government, and enter their solemn protest, against the vote of the Convention, in fixing the compensation at *four dollars per day* and *four dollars for travelling every twenty five miles*, going and returning. In the opinion of the undersigned, the compensation to the Members of the Convention, and of the Legislature, is vastly greater, than is allowed to other members of the community, for *services equally meritorious.* The citizen soldier, who in time of war is called on and compelled to shoulder his *musket*, and buckle on his *knapsack*, and leave his home, and his friends, and all that is dear to him, and to march on foot in the heat of summer, and the cold of winter, and to endure all the hardships and privations, of a camp, and to face death in the field of battle, receives as a compensation from his country, whose rights he is defending, at the risk of his own life, eight or ten dollars per month. But a Member of the Legislature who sits in a comfortable apartment, and spends six, or seven hours each day, in talking about matters and things in general, while at the same time he is enjoying all the comforts and luxuries of life, takes, (being his own paymaster,) one hundred and twenty dollars per month, out of the public treasury for his services. Another class of citizens are frequently called on to serve their country in the capacity of jurors, and have, in the opinion of the undersigned, to undergo more fatigue of body, and more anxiety of mind, than either the Members of the Convention, or of the Legislature, and yet they never receive more than one dollar per day, and very frequently they receive no compensation; although they have to perform services the most painful and perplexing, having often to sit whole days in judgment, on the lives and fortunes of their fellow citizens, and sometimes for weeks together. Justices of the peace have also, to devote their time, and expend their money, in performing the most meritorious services for the community, day after day, and time after time, in holding the county courts, in taking the lists of taxable property, in deciding controversies between their fellow citizens, and in preserving the peace of the community. And we have said, solemnly, and deliberately, that, this most respectable class of citizens, for all these important services, shall receive no compensation. But to the Members of the Legislature we have given, and to ourselves we have taken, out of the public treasury, four dollars per day, and four dollars for every twenty-five miles travelling to and from the seat of government, for performing services not harder than the services of a juror, not more arduduous than those performed by a justice of the peace, and that will bear no comparison with the services of the soldier on the march, in the camp, or in the field of battle. And yet there is patriotism enough in the community to induce many a brave man to volunteer his services in the defence of his country, although his only recompense should be a soldier's grave. There is patriotism enough in the community to induce a sufficient number of men to discharge the arduous duties of magistrates from year to year; although they receive no pecuniary recompense, and it is to be hoped that there is patriotism enough in the country, to induce a sufficient number of suitable persons, to serve their country in the halls of legislation; although in doing so, they should be obliged to sustain some pecuniary loss.

"But furthermore, the undersigned are satisfied that by the allowance the Convention has made the Members of the Legislature, the expenses of the government under the amended Constitution, will be increased to a ruinous extent. For some years past the average expense of the sessions of the Legislature has been about thirty-five thousand dollars. But, under the new Constitution, if it should be adopted, the cost of a single session of the Legislature will not be less than sixty thousand dollars, as will manifestly appear from the following statement. In the Legislature there will be one hundred members—the daily pay of whom will amount to four hundred dollars. Then the pay of four Clerks and four Door keepers, together with fuel, stationary, job printing and other contingent expenses, will not amount to less than another hundred dollars per day—which will make the expenditure of the Legislature amount to at least five hundred dollars per day. Supposing then, the Legislature to sit one hundred days at each session, (and this is a moderate calculation) the expense would be fifty thousand dollars. Add to this, the printing and distribution of the public and private laws, and of the journals of both Houses of the Assembly; and the mileage of the Members, which will amount to from ten to fifteen thousand dollars, and it will be manifest, that the expense of a single session will cost the State from sixty to sixty-five thousand dollars. And all this has to be paid out of a treasury at present exhausted, and which can only be replenished by taxes to be collected from the people. To the wealthy inhabitants of Middle Tennessee and the Western District, who have a staple article of commerce, and a market at their door to dispose of it, this may be a matter of little consequence, but to the people in the Eastern part of the State it presents an appalling spectacle. That under the amended Constitution, taxes must of necessity be greatly increased, is so manifest, that in the opinion of the undersigned it requires no proof. To avoid this enormous expense, and to prevent the necessity of increased taxation, several plans were proposed in the Convention. One was, to have but one session of the Legislature in three years, instead of one in two years, as is the case at present. By that arrangement, had the plan been adopted, more than two hundred thousand dollars would be saved to the State, in every period of twenty-four years, as will appear manifest to every one who will calculate the expenses of the Legislature for that length of time. But that would not be the only good that would result from such an arrangement. It would save the good people of this State from being oppressed with excessive legislation, with which they have been already most greviously afflicted; and it would give the citizens an opportunity to read and understand the laws that are past at one session of the Legislature, before another would sit to repeal or change them, which heretofore they have not had an opportunity of doing. And can any good reason be assigned, why the Legislature of Tennessee should sit more than once in three years? In England there is an annual session of *parliament*, but the necessity of that arises from the *King* and council having the power of making war without the consent of *Parliament*. To control that power which might otherwise be wielded to the ruin of the country, the House of Commons, which holds the purse of the Nation, refuses to grant supplies to the Government, even for necessary purposes, for any longer term than one year. Hence the necessity of an annual session of the Legislature in that country. The same necessity exists for an annual session of Congress to pass appropriation bills, and to provide ways and means for supplying the annual expenses of Government, and to watch over the vast concerns of twenty-four States, and to regulate their ever-varying intercourse with foreign nations. But no such necessity exists for an annual or biennial session of a State Legislature, which has nothing to do with any thing except to make new laws or repeal old ones; and the less of that they do so much the better, and to elect a few officers, and better far they had none of that to do. When that proposition was rejected another was proposed, which met the cordial approbation of the undersigned, which was to limit the respective sessions of the Legislature to a period of forty-five or fifty days, a time amply sufficient, in the opinion of the undersigned and many other members, to despatch all the necessary business that would be likely to come before the Legislature at any one session. By the adoption of that plan, a great curtailment of the expenses of the Legislature would have been made, probably to the amount of one third part of the whole expenditure; for, judging of the future by the past, the *genius of procrastination* will always hover over a Legislative Assembly unrestricted as to time, and where Members receive one hundred and twenty dollars per month out of the public treasury. That plan was also rejected.

"A further attempt was made to diminish the public expenditures, by prohibiting the Legislature from printing and distributing, at the public expense, the private laws passed at each session, which, according to the best information the undersigned have been able to obtain, amounts to between three and five thousand dollars each session; and by which an expenditure, wholly useless, of more than fifty thousand dollars of the public money has already taken place. And in the same way it is probable, that countless sums are hereafter to be expended. And can any sufficient reason be assigned why fifteen hundred or two thousand copies of a law should be printed at the public expense, in which only some private individual is interested and with which the public have no concern? For instance, a law divorcing A from B, or giving C the right to erect a fish-trap or a mill dam, or allowing D to hawk and peddle without paying any thing for the privilege. That also failed; and then a last effort was made to diminish the public expenses and to prevent the necessity of increased taxation by fixing the pay of the Members of the Convention and of the Legislature at three dollars per day: by which from ten to fifteen thousand dollars of the expense of each coming session of the Legislature would be saved to the State. That proposition shared the same fate with the rest. The undersigned will now state the reasons why they think four dollars per day, and four dollars for every twenty-five miles' travelling, is more than a reasonable compensation to Members of the Legislature. The *business of legislation* is an *honorable employment*, and should never be converted into a money-making matter. Moreover the employment is eagerly sought after by candidates for a seat in the Legislative Hall; and a person who volunteers his services, *in any capacity*, should never insist on high wages. More especially, when he has the carving out of his own pay, *honor* forbids him to be *extravagant* in his charges. When candidates are soliciting votes, their *patriotism* is usually *brimful*, and sometimes it runs over a little; and when elected, it behooves them to *evince* that *patriotism* in works, which they formerly expressed in words, as the *tree* is known by its fruit. Some valuable information on this subject may be obtained by inquiring what other Constitution-makers have thought, and how they have acted in similar circumstances. The Constitution of South Carolina was framed in 1790, and by it the Members of the Legislature were allowed only *seven shillings sterling* per day, which is about one dollar sixty-two and a half cents. The present Constitution of this State was framed in 1796, and by it the Members of the Legislature were allowed only one dollar and seventy-five cents per day for the eight years then next ensuing; and let it be remembered, that during the period of that limitation, the State was as ably and as faithfully served in the Legislature, and candidates were as plenty, as at any time since the limitation expired. But the sessions of the Legislature were much shorter than they have since been; and let it be further remembered, that just in *proportion* as the *daily pay of the members has been increased*, the duration of the sessions has been protracted. The Constitution of Kentucky was framed in 1799, and by it the compensation of the Members of the Legislature was fixed at one dollar and fifty cents per day, and at present it does not exceed two dollars and fifty cents per day, as the undersigned are informed. In 1821, the present Constitution of the great State of New York was framed, and with all its *abundant resources*, the compensation of the Members of the Legislature was restricted, so as never to exceed three dollars per day. And in none of the New England States, as the undersigned are informed, does the pay of the Members of the Legislature exceed two dollars and fifty cents per day. But in those States the sessions of the Legislature are short, while at the same time their school funds and their means for internal improvement are abundant.

"In the opinion of the undersigned, a Legislature consisting of one hundred members, with an allowance to them out of the public treasury, of *one hundred and twenty dollars per month*, and *wholly unrestricted* as to the *duration* of its *sessions*, would bankrupt any State in the Union; and they are willing that the correctness of this opinion shall be tried by time, and that posterity shall pronounce judgment upon it, and the undersigned would here respectfully ask, if the State of Tennessee possesses any *inexhaustible treasures*, out of which to pay the Members of her Legislature so much more than other States pay to *theirs?* That a fund might be provided for the purpose of *education* and *internal improvement* was *another* and a *powerful reason* which induced the *undersigned* to vote for retrenching the expenditures of government, and for curtailing the pay of the members of the Convention and of the Legislature. Whoever will look over the map of the United States, will at a *glance* perceive that the States of *Tennessee* and *Virginia* would be more benefited by a liberal system of internal improvement, than any other States in the Union. These two States adjoin each other, and extend from the great river of the West to the shores of the Atlantic, and contain within their limits points where there is uninterrupted steamboat navigation on the one, and ship navigation on the other. Let those points be connected by a rail road, and the greatest work will have been accomplished on which the *light of Heaven ever shone*—greatest, not as to the difficulty of its accomplishment, but as to the beneficial effects that would result from its successful *achievement.* The State of New York, by one *bold, decisive* and, as the *event* has shown, *successful* effort at internal improvement, has advanced in the path of prosperity with a rapidity which has astonished every spectator. But Tennessee and Virginia have it in their power to advance their mutual prosperity to an extent, even far beyond what New York has done, much as she has accomplished. There must of necessity, at no very distant day, be a great channel of inland communication between the Mississippi and the Atlantic, if the Union of the States shall be preserved. And *nature*, with her *own finger*, has clearly marked out where that communication can be most conveniently opened and continued. Look at the map of Tennessee, bounded entirely on the west by the Mississippi, with the Ohio and the Missouri and all their tributary streams emptying into that river, within a short distance of its north-western corner; and the Arkansas, the White river and the St. Francis near its south-western corner. Look at Virginia with its north-eastern boundary at Harper's Ferry, meeting the Baltimore and Ohio rail road, and the newly-constructed canal to Washington City; or to Richmond, where the tide waters of the Atlantic affords an uninterrupted intercourse with the Ocean, and contemplate the stupendous results of connecting these points by a rail road communication. See how the hand of nature has smoothed and prepared the surface of the earth between these points as if for the very purpose of opening such a communication. Perhaps on the whole surface of the globe the same distance cannot be found, where there are so few obstacles to the accomplishment of such a work. In the whole distance from the Mississippi to the Potomac, no swamps, no rivers, no mountains intervene, that cannot be passed or surmounted without much difficulty, and along almost the whole route the materials for making such a road are scattered in abundance. And what would be the consequence of such a communication being opened? Would it not be the great thoroughfare of travelling between the cities of the Atlantic and the great valley of the Mississippi. A communication further north would be obstructed a large portion of the year, by the frosts and snows of winter, and a communication further south would be through swamps and a sickly climate: but here the whole route would extend through a delightful climate, where travelling would be unobstructed in every season of the year. What would be the consequence of such a communication in time of war, should our country ever again be afflicted with such an evil? Let the point of attack be where it might, on the sea board or at New Orleans, or on the northern frontier, men and the munitions of war could be transported, at any season of the year, to the point where they were wanted with almost inconceivable rapidity.

"Suppose such a communication had been open during the late war, when our country was invaded by a hostile force, would the city that bears the name of the father of his country, have been captured by a savage foe? Would our capitol have been burned and our national honor trampled in the dust? No: the sons of the mountains, with the rapidity of the eagle in its flight, would have rushed to the scene of combat, and the fields of Bladensburg would have been to the American army a theatre of glory, instead of a scene of disgrace.

"In times of peace, such a channel of communication would operate as a bond of union, by facilitating the intercourse of the different parts of the community with each other, and by enabling the citizens to take the products of the soil to a profitable market; and, in return, to supply themselves at a cheap rate, with articles of necessary consumption; it would give an impulse to industry, increase the wealth and promote the prosperity and happiness of all the inhabitants of the State.

"But suppose the State of Virginia should refuse to co-operate in such an undertaking, there is the Charleston and Hamburg rail road already in successful operation, with which the road passing through Tennessee could be joined, and a communication with the Atlantic be opened in a more southern direction. It is true, the fund that would be created, by the proposed retrenchment of the expenses of government, would not be sufficient to accomplish the object in view, but it would have such a powerful moral influence in the community, as would rouse its energies, and enabled it to accomplish any practicable object. Could the undersigned have contributed, in the smallest degree, to the accomplishment of a work of so much importance, they would have thought they had not *lived in vain*. But, from the signs of the times, they fear the day is far distant, when Tennessee will rival New York, Pennsylvania or Ohio, in the work of internal improvement, or enjoy the benefits they are enjoying in that respect. The undersigned are far, very far from imputing any other than honorable motives to the Members of the Convention who voted with the majority on the beforementioned propositions. They voted according to their ideas of propriety, and they had an undoubted right to do so; and the undersigned have an equal right to spread on the journal the reasons which induced them to vote with the minority, and they trust they have done it with all due respect."

JOHN A. McKINNEY.
ISAAC WALTON.

Mr Fogg, from the committee to whom was assigned the duty of correcting the phraseology of the amended constitution, reported, that the said committee have carefully examined the same, and had instructed him to recommend sundry amendments and erasures:

All of which were severally read and concurred in.

Mr **Alexander** moved to take up the report of the committee on internal improvements; which motion prevailing, said report was taken up.

Whereupon Mr **Huntsman** moved a concurrence with said report:

And the question being had thereon, it was determined in the affirmative:

And so said report was concurred with.

Mr **Huntsman** proposed the following as an additional section to the eleventh article and in lieu of the resolutions in the report of the committee on internal improvements; to wit:

"A well regulated system of internal improvement is calculated to develope the resources of the State, and promote the happiness and prosperity of her citizens—therefore it ought to be encouraged."

Which was adopted.

Mr. Carter moved that the Convention take up the report of the Committee on Senatorial and Representative Districts:

Which motion was lost.

On motion of Mr. Cheatham, the Convention took up the subject of locating the Seat of Government.

Mr. Huntsman submitted the following; to wit:

"*Resolved*, That the first General Assembly which shall sit after the first apportionment of the Representation under the new Constitution, to wit: in one thousand eight hundred and forty-three, shall, within one week of the commencement of the session, permanently locate the Seat of Government."

Mr. Sharp called up a resolution, heretofore submitted by him, providing that the Seat of Government be permanently located on the Tennessee river; which being read,

Mr. Sharp moved to amend said resolution by inserting therein the words "near Carrollsville":

Which motion prevailed.

And thereupon the question was had on the adoption of said resolution, and determined in the negative; ayes 15, noes 42.

The ayes and noes being demanded by Mr Sharp,

The affirmative voters are,

Messrs. Burton, Cahal, Cross, Hill, Kelly, John A. McKinney, Mabry, Richardson, Robertson, Stephenson, Smartt, Sharp, Scott, Walton and Weakley; 15.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Blount, Cannon, Childress, Cobbs, Cheatham, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, McGaughey, Montgomery, Neil, Porter, Purdy, Roadman, Ridley, Senter, Smith, Ury, Whitson, White and Webster; 42.

And so said resolution was rejected.

On motion of Mr. Cheatham, the resolution submitted by him on the twentieth of August, providing for the permanent location of the Seat of Government, was taken up and read,

Mr. Armstrong moved that a committee be appointed to wait on the Members who are absent from indisposition, and to receive and report their votes to the Convention;

Which motion prevailing, the President appointed Messrs. Weakley and Ledbetter to compose said committee.

On motion of Mr. Armstrong, Mr. Hill was added to said committee.

Mr. Douglass moved to fill the blank in Mr Cheatham's resolution with the words, "at or near the city of Nashville."

Which motion, at the request of Mr. BURTON, he withdrew:

Thereupon Mr. BLOUNT renewed the motion of Mr. Douglass, to fill said blank with the words, "at or near the city of Nashville":

And thereupon the question was had and determined in the negative; ayes 19, noes 40:

The ayes and noes being demanded by Mr. BURTON,

The affirmative voters are,

Messrs. Alexander, Burton, Blount, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gordon, Loving, Montgomery, Marr, Robertson, Smith, Ury, Walton, White and Weakley; 19.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Cannon, Childress, Cahal, Cobbs, Gillespy, Gray, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smartt, Sharp, Scott, Whitson and Webster; 40.

And so the Convention refused to fill the blank with the words "at or near the city of Nashville,"

Mr. KINCANNON offered the following resolution in lieu of the resolution under consideration, to wit:

"*Resolved*, That the second Legislature which shall sit under this Constitution shall appoint three commissioners whose duty it shall be to ascertain the true geographical centre of the State, and thereupon proceed to select a suitable site for the seat of government at or as near said centre as may be, and shall purchase a tract of land not exceeding one thosand acres, to be paid for and owned by the State: and upon such tract shall lay off a town at which the seat of government shall be permanently located and fixed: they shall sell out the lots in said town and the balance of the land at public sale, in such manner as the Legislature may direct, and the proceeds of such sale shall be applied to the building of a State house and other necessary public buildings: *provided*, said town shall not approach nearer than twelve miles of the county seat of any adjoining county."

Whereupon Mr BURTON proposed to fill the blank in the resolution submitted by Mr Cheatham, with the words, "at or near the town of M'Minnville,"

And the question being had thereon, it was determined in the negative; ayes 17, noes 41.

The ayes and noes being demanded by Mr BURTON,

The affirmative voters are,

Messrs. Armstrong, Blount, Hill, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, Mabry, Neil, Nelson, Richardson, Ridley, Senter, Smartt, Sharp, Whitson and Webster; 18.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kendall, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Marr, Porter, Purdy, Roadman, Robertson, Stephenson, Scott, Ury, Walton, White and Weakley; 40.

And so the Convention refused to fill said blank with M'Minnville.

Whereupon Mr Cannon moved to fill said blank with the word "Murfreesborough."

And the question being had thereon, it was determined in the negative; ayes 21, noes 37.

The ayes and noes being demanded by Mr Garrett,

The affirmative voters are,

Messrs. Blount, Cannon, Douglass, Hill, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, Neil, Nelson, Purdy, Richardson, Ridley, Senter, Smartt, Sharp, Scott and Webster; 21.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Kendall, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Marr, Porter, Roadman, Robertson, Stephenson, Ury, Whitson, Walton, White and Weakley; 37.

And so the Convention refused to fill said blank with Murfreesborough.

Whereupon Mr Allen moved to fill said blank with the word "Carthage."

And the question being had thereon, was determined in the negative; ayes 9, noes 50:

The ayes and noes being demanded by Mr Allen,

The affirmative voters are,

Messrs. Allen, Armstrong, Burton, Blount, Douglass, Mabry, Smith, Walton and White; 9.

The negative voters are,

Messrs. President (Carter), Alexander, Bradshaw, Cannon, Childress, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. M'Kinney, John A. McKinney, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smartt, Sharp, Scott, Ury, Whitson, Webster and Weakley; 50.

And so the Convention refused to fill said blank with Carthage.

Whereupon Mr Kincannon moved to fill said blank with the word "Middletown."

And thereupon the question was had, and determined in the negative; ayes 20, noes 38:

The ayes and noes being demanded by Mr Kincannon,

The affirmative voters are,

Messrs. Armstrong, Blount, Cannon, Childress, Douglass, Fulton, Hill, Kincannon, Kincaid, Kimbrough, Ledbetter, John A. McKinney, Mabry, Nelson, Richardson, Ridley, Smith, Smartt, Scott and Webster; 20.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Cahal, Cheatham, Cross, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kelly, Kendall, Loving, McClellan, Robert J. McKinney, McGaughey, Montgomery, Marr, Neil, Porter, Purdy, Roadman, Robertson, Stephenson, Senter, Sharp, Ury, Whitson, Walton, White and Weakley; 38.

And so the Convention refused to fill the blank with Middletown.

Whereupon Mr. Blount moved to fill the blank with the words "Clarksville";

Which motion failed.

Mr. Kincaid proposed the following in lieu of the original resolution; to wit:

"*Resolved*, That there be three commissioners appointed, by the Convention—one in East Tennessee, one in Middle and one in the Western District, whose duty it shall be to ascertain and report the true geographical centre of the State as near as practicable, and report the same to the session of the General Assembly that may be convened under this Constitution.

"*And be it further resolved*, That said General Assembly shall proceed to locate the Seat of Government permanently at the county town nearest the centre."

And thereupon the question was had, and determined in the negative; ayes 24, noes 33.

The ayes and noes being demanded by Mr. Kincaid,

The affirmative voters are,

Messrs. Armstrong, Bradshaw, Cannon, Gillespy, Gray, Hodges, Hill, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Mabry, Neil, Purdy, Roadman, Richardson, Ridley, Senter, Smith, Smartt, Sharp, Scott and Webster; 24.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Burton, Blount, Childress, Cahal, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gordon, Huntsman, Humphreys, Hess, Kincannon, Loving, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Marr, Porter, Robertson, Stephenson, Ury, Whitson, Walton, White and Weakley; 33.

And so said resolutions were rejected.

Mr. Cheatham then withdrew the resolution heretofore submitted by him.

Thereupon the question was had upon the resolution submitted by Mr. Kincannon, and it was determined in the negative; ayes 23, noes 34.

The ayes and noes being demanded by Mr. Kincannon,

The affirmative voters are,

Messrs. Armstrong, Bradshaw, Blount, Cannon, Hodges, Hill, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, John A. McKinney, Neil, Nelson, Roadman, Richardson, Ridley, Senter, Smith, Smartt, Sharp, Scott and Webster; 23.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Burton, Childress, Cahal, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Humphreys, Hess, Loving, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Marr, Porter, Purdy, Robertson, Stephenson, Ury, Whitson, Walton, White and Weakley; 34.

And so said resolution was rejected.

Mr **Cannon** offered the following resolution; to wit:

"*Resolved*, That the Seat of Government shall be established at the nearest *eligible situation* to the centre of the State, under such regulations as may be prescribed by the Legislature at their second session."

And thereupon the question was had and determined in the negative; ayes 24, noes 35.

The ayes and noes being demanded by Mr **Cannon**,

The affirmative voters are,

Messrs. Armstrong, Bradshaw, Cannon, Hodges, Hill, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, John A. McKinney, Mabry, Neil, Nelson, Roadman, Richardson, Ridley, Senter, Smith, Smartt, Sharp, Scott and Webster; 24.

The negative voters are,

Messrs President (Carter), Allen, Alexander, Burton, Blount, Childress, Cahal, Cobbs, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Humphreys, Hess, Loving, McClellan, Robert J. McKinney, McGaughey, Montgomery, Marr, Porter, Purdy, Robertson, Stephenson, Ury, Whitson, Walton, White and Weakley; 35.

And so said resolution was rejected.

Mr **Cheatham** offered the following preamble and resolution; to wit:

"Whereas the location of the Seat of Government is a matter of vital importance, and was one of the principal reasons that influenced the good people of Tennessee in voting a call of a Convention, and the number of places that have been put in nomination are so numerous that no one place has obtained a majority of votes, and that each place claiming the location of the Seat of Government may have an equal and fair test of their claim, and that the important question may be put forever at rest.

"*Resolved*, That the towns of Nashville, Columbia, Murfreesborough, McMinnville and Shelbyville, all be put in nomination at one and at the same time, and that the Convention proceed to vote for the location at one of the before mentioned towns, and that on each vote being taken, the place having the lowest number of votes be withdrawn, and that the Convention forthwith proceed to vote and decide upon the permanent location of the Seat of Government."

And thereupon the question was had on adopting said resolution and determined in the negative; ayes 19, noes 40.

The ayes and noes being demanded by Mr Cheatham;

The affirmative voters are,

Messrs. Armstrong, Burton, Blount, Cheatham, Cross, Fogg, Garrett, Loving, Montgomery, Marr, Richardson, Ridley, Robertson, Smith, Scott, Ury, Whitson, Walton and Weakley; 19.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Cannon, Childress, Cahal, Cobbs, Douglass, Fulton, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Porter, Purdy, Roadman, Stephenson, Senter, Smartt, Sharp, White and Webster; 40.

And so said resolution was rejected.

Mr Huntsman then called up the resolution submitted by him to-day, in relation to locating the seat of government; which was read;

And thereupon the question was had, and determined in the negative; ayes 32, noes 26.

The ayes and noes being demanded by Mr Huntsman,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Alexander, Blount, Cahal, Cobbs, Cross, Douglass, Gillespy, Gray, Gordon, Hill, Huntsman, Hess, Kelly, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Marr, Neil, Porter, Purdy, Ridley, Senter, Smith, Smartt, Sharp, Scott and Ury; 32.

The negative voters are,

Messrs. Allen, Bradshaw, Burton, Cannon, Childress, Cheatham, Fulton, Fogg, Garrett, Hodges, Humphreys, Kincannon, Kincaid, Ledbetter, Loving, Mabry, Montgomery, Roadman, Richardson, Robertson, Stephenson, Whitson, Walton, White, Webster and Weakley; 26.

And so said resolution was adopted.

Mr Childress offered the following preamble and resolution; to wit:

"Whereas it is evident from the very many attempts made by the Convention to locate permanently the seat of government, that it cannot now be done; and whereas there seems to be some excitement among the citizens of the several places put into nomination; and whereas the temporary location of the same at any one of those places might operate as an advantage over the others in the permanent location thereof, therefore, *resolved*, that the seat of government of this State be located and established at the town of Franklin, in Williamson county, until the some be permanently established in one thousand eight hundred and forty-three."

In lieu of which, Mr Mabry offered the following; to wit:

"The General Assembly shall sit at Nashville, until the seat of government is permanently established in the year one thousand eight hundred and forty three."

And thereupon the question was had, on receiving said proposition, in lieu of the resolution of Mr Childress and determined in the affirmative; ayes 31, noes 27.

The ayes and noes being demanded by Mr Cannon,

The affirmative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Blount, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Kincaid, Loving, Mabry, Montgomery, Marr, Porter, Purdy, Roadman, Robertson, Smith, Ury, Whitson, Walton, White, Webster and Weakley; 31.

The negative voters are,

Messrs. Armstrong, Cannon, Childress, Cahal, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Nelson, Richardson, Ridley, Stephenson, Senter, Smartt, Sharp and Scott; 27.

And so said resolution was received for consideration in lieu of that of Mr Childress:

And in lieu of which, Mr Ledbetter offered the following; to wit:

"The first Legislature shall meet at the town of Murfreesborough, in the county of Rutherford."

And thereupon the question was had and determined in the negative; ayes 28, noes 31.

The ayes and noes being demanded by Mr Ledbetter,

The affirmative voters are,

Messrs. Alexander, Cannon, Childress, Cahal, Cobbs, Hodges, Hill, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, McGaughey, Neil, Nelson, Purdy, Richardson, Ridley, Senter, Smartt, Sharp, Scott and Webster; 28.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Burton, Blount, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Loving, John A. McKinney, Mabry, Montgomery, Marr, Porter, Roadman, Robertson, Stephenson, Smith, Ury, Whitson, Walton, White and Weakley; 31.

Whereupon Mr Smartt offered the following in lieu of Mr Mabry's resolution; to wit:

"*Resolved*, That the Legislature shall hereafter sit in McMinnville until the permanent location of the seat of government in one thousand eight hundred and forty three."

And thereupon the question was had and determined in the negative; ayes 26, noes 33.

The ayes and noes being demanded by Mr Sharp,

The affirmative voters are,

Messrs. Armstrong, Cannon, Childress, Cahal, Cobbs, Hodges, Hill, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, McGaughey, Neil, Nelson, Roadman, Richardson, Ridley, Senter, Smartt, Sharp, Scott and Webster; 26.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Bradshaw, Burton, Blount, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Humphreys, Hess, Loving, John A. McKinney, Mabry, Montgomery, Marr, Porter, Purdy, Robertson, Stephenson, Smith, Ury, Whitson, Walton, White and Weakley; 33.

Mr Cahal moved to strike out the word "Nashville" and to insert in lieu thereof the word "Columbia."

And thereupon the question was had and determined in the negative; ayes 24, noes 35.

The ayes and noes being demanded by Mr Cahal,

The affirmative voters are,

Messrs Alexander, Cannon, Childress, Cahal, Cobbs, Cross, Hodges, Hill, Humphreys, Kincannon, Kincaid, Ledbetter, McClellan, McGaughey, Neil, Nelson, Purdy, Ridley, Robertson, Senter, Smartt, Sharp, Scott and Webster; 24.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Bradshaw, Burton, Blount, Cheatham, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Hess, Kelly, Kendall, Kimbrough, Loving, Robert J. McKinney, John A. McKinney, Mabry, Montgomery, Marr, Porter, Roadman, Richardson, Stephenson, Smith, Ury, Whitson, Walton, White and Weakley; 35.

In lieu of Mr Mabry's proposition, Mr Roadman offered the following; to wit:

"*Resolved*, That the first session of the Legislature under this Constitution shall be held in the City of Nashville."

Thereupon the question was had and determined in the affirmative; ayes 32, noes 27.

The ayes and noes being demanded by Mr Roadman,

The affirmative voters are,

Messrs. Armstrong, Alexander, Bradshaw, Cannon, Childress, Cobbs, Cross, Gillespy, Gray, Hill, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp and Webster; 32.

The negative voters are,

Messrs. President (Carter), Allen, Burton, Blount, Cahal, Cheatham, Douglass, Fulton, Fogg, Garrett, Gordon, Hodges, Huntsman, Humphreys, Loving, Mabry, Montgomery, Marr, Nelson, Porter, Robertson, Scott, Ury, Whitson, Walton, White and Weakley; 27.

And so said resolution was received for consideration, in lieu of the proposition of Mr Mabry.

Mr President (Carter) moved to amend the proposition of Mr Roadman, by providing that the second session of the Legislature should also be held in the city of Nashville:

And thereupon the question was had, and determined in the negative; ayes 29, noes 29.

The ayes and noes being demanded by Mr. Hodges,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Burton, Blount, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Hess, Kendall, Loving, Montgomery, Marr, Porter, Roadman, Robertson, Smith, Scott, Ury, Whitson, Walton, White and Weakley; 29.

The negative voters are,

Messrs. Bradshaw, Cannon, Childress, Cahal, Cobbs, Cheatham, Hodges, Hill, Humphreys, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Nelson, Purdy, Richardson, Ridley, Stephenson, Senter, Smartt, Sharp and Webster; 29.

And so said amendment was rejected.

In lieu of Mr Roadman's proposition, Mr Allen submitted the folfollowing; to wit:

"The General Assembly under this Constitution shall meet and hold their sessions in the town of Nashville until the year one thousand eight hundred and forty."

Which was laid on the table until to-morrow.

Mr Huntsman moved to reconsider the fifth section of the seventh article; which motion prevailing, he further moved to amend said section, by adding thereto the words "and shall terminate the same day"; which motion also prevailed.

The said fifth section was then read, as amended, and adopted.

Mr Douglass moved a reconsideration of the vote adopting the resolution heretofore submitted by him, appointing this day for the adjournment of the Convention; which motion prevailing, he further moved to lay said resolution on the table; which motion also prevailed.

And then the Convention adjourned.

Thursday, August 28, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Rev. Mr. Edgar, of the Presbyterian Church.

Mr Humphreys moved that the report of the Committee on the subject of the best mode of distributing the printed copies which have been ordered of the Constitutions, to be taken up: which motion prevailing,

The report was taken up, read and, after a slight amendment, was concurred in:

And is in the following words; to wit:

"The Committee to whom was referred the inquiry as to the best mode of distributing the copies of the Constitutions and of the Journals, and to ascertain the number of copies each county may be entitled to under the order of this Convention, state, that, upon examination, they find the most expensive mode of distribution to be by means of the mail, and that a special contract, under the direction of the Secretary of State, is the best mode.

"The printers give information, that they will be able, in some six or eight hours after the Constitution shall be placed in their hands, to fornish a large number of copies, for the immediate use of the people in their respective counties, through their respective members.

"The Committee are of opinion that the distribution of the copies of the Constitution should be entrusted to the Members, to be by them equitably distributed among the qualified voters, and that the journals of the Convention should be deposited with the clerks of the county courts.

"The Committee find from calculation that the counties are entitled to the following numbers respectively; to wit:

Anderson	120
Bledsoe	127
Carter	183
Claiborne	186
Campbell	120
Cocke	131
Greene	333
Grainger	203
Hawkins	298
Hamilton	54
Jefferson	237
Knox	328
Monroe	311
McMinn	324
Marion	127
Morgan	65
Rhea	139
Roane	246
Sullivan	240
Sevier	130
Washington	270
Perry	175
Tipton	138
Weakley	137
Carroll	270
Dyer	61
Fayette	233
Hardeman	270
Henry	300
Shelby	170
Henderson	237
Hardin	150
Haywood	138
M'Nairy	150
Madison	277
Sumner	257
Smith	441
Stewart	179
Wilson	475
Williamson	455
Wayne	172
Warren	337
Blount	248
White	253
Rutherford	457
Robertson	265
Overton	193
Montgomery	253
Maury	553
Lincoln	456
Lawrence	137
Jackson	234
Humphreys	155
Hickman	184
Giles	335
Franklin	301
Fentress	86
Dickson	140
Davidson	495
Bedford	577
Obion	65
Gibson	217

The Committee state the above to be the result of their calculation, which will give one copy to about eight or ten qualified voters, and diffuse ample information throughout the State.

W. H. HUMPHREYS.

Mr Burton submitted the following; to wit:

"*Resolved*, That the President of this Convention tender to the Reverend the clergy of this city the thanks of the Convention for the promptness and punctuality with which they have complied with the request of the Convention, in opening its daily sessions with prayer."

And, on motion of Mr Burton, the rule requiring resolutions to lie one day on the table, being suspended,

Said resolution was unanimously adopted.

Mr Armstrong moved that the unfinished business of yesterday be taken up; which motion prevailing; the following resolution, submitted on yesterday by Mr Allen, was taken up and read; to wit:

"The General Assembly under this Constitution shall meet and hold their sessions in the town of Nashville, until the year one thousand eight hundred and forty.

And thereupon the question was had, and determined in the negative; ayes 23, noes 34.

The ayes and noes being demanded by Mr. Allen,

The affirmative voters are,

Messrs. Allen, Burton, Blount, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gordon, Huntsman, Loving, Mabry, Montgomery, Porter, Robertson, Smith, Ury, Whitson, Walton, White and Weakley; 23.

The negative voters are,

Messrs. President (Carter), Armstrong, Alexander, Bradshaw, Cannon, Childress, Cahal, Cobbs, Gray, Hodges, Hill, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smartt, Sharp, Scott and Webster; 34.

And so said resolution was rejected.

The question then recurred upon the following resolution submitted on yesterday by Mr Roadman; to wit:

"*Resolved*, That the first session of the Legislature under this Constitution shall be held in the city of Nashville."

From which Mr Childress moved to strike out the word "Nashville" and to insert in lieu thereof the word "Franklin."

And thereupon the question was had and determined in the negative; ayes 20, noes 37.

The ayes and noes being demanded by Mr. Burton,

The affirmative voters are,

Messrs. Cannon, Childress, Cahal, Cobbs, Hodges, Hill, Humphreys, Kelly, Kincannon, Ledbetter, McClellan, Robert J. McKinney, Mabry, McGaughey, Richardson, Ridley, Senter, Smartt, Sharp and Scott; 20.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Hess, Kincaid, Kendall, Kimbrough, Loving, John A. McKinney, Montgomery, Neil, Porter, Purdy, Roadman, Robertson, Stephenson, Smith, Ury, Whitson, Walton, White, Webster and Weakley; 37.

And so the Convention refused to strike out and insert, as proposed.

Whereupon Mr Garrett moved the previous question, but subsequently withdrew said motion, at the request of Mr Humphreys; and

Mr Humphreys thereupon moved a reconsideration of the vote taken on yesterday, rejecting the proposition of Mr Carter, to amend the resolution now under consideration, by inserting the words "first and second sessions" in lieu of the words "first session" in said resolution:

Whereupon the question was had, and determined in the affirmative; ayes 39, noes 18.

The ayes and noes being demanded by Mr McClellen,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cahal, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kendall, Kimbrough, Loving, Montgomery, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Smith, Scott, Ury, Whitson, Walton, White and Weakley; 39.

The negative voters are,

Messrs. Cannon, Childress, Cobbs, Cheatham, Hill, Kincaid, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Neil, Stephenson, Senter, Smartt, Sharp and Webster; 18.

And so the Convention agreed to reconsider.

Thereupon the question was had; upon the adoption of said amendment, and determined in the affirmative; ayes 35, noes 22.

The ayes and noes being demanded by Mr. John A. McKinney,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Burton, Blount, Cahal, Cobbs, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Humphreys, Hess, Kendall, Kimbrough, Loving, Mabry, Montgomery, Porter, Purdy, Roadman, Robertson, Smith, Scott, Ury, Whitson, Walton, White and Weakley; 35.

The negative voters are,

Messrs. Bradshaw, Cannon, Childress, Cheatham, Hodges, Hill, Kelly, Kincannon, Kincaid, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Richardson, Ridley, Stephenson, Senter, Smartt, Sharp and Webster; 22.

And so said amendment was odered.

The question then recurred upon the adoption of Mr Roadman's resolution as amended; and being had, was determined in the affirmative; ayes 32, noes 25.

The ayes and noes being demanded by Mr Roadman,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Burton, Blount, Cheatham, Cross, Douglass, Fulton, Fogg, Garrett, Gillespy, Gray, Gordon, Huntsman, Hess, Kendall, Loving, Mabry, Montgomery, Porter, Purdy, Roadman, Robertson, Smith, Scott, Ury, Whitson, Walton, White and Weakley; 32.

The negative voters are,

Messrs. Bradshaw, Cannon, Childress, Cahal, Cobbs, Hodges, Hill, Humphreys, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Neil, Richardson, Ridley, Stephenson, Senter, Smartt, Sharp and Webster; 25.

And so said resolution was adopted.

On motion of Mr ARMSTRONG, the report of the committee on Senatorial and Representative districts was taken up and read.

Mr ARMSTRONG moved a concurrence with said report:

And thereupon Mr CARTER moved to strike from the first District the word "Hawkins," and to insert in lieu thereof the word "Washington":

And thereupon the question was had and determined in the affirmatives ayes 29, noes 27.

The ayes and noes being demanded by Mr JOHN A. MCKINNEY,

The affirmative voters are,

Messrs. President (Carter), Allen, Alexander, Burton, Blount, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gordon, Hodges, Huntsman, Humphreys, Kincannon, Kincaid, Loving, Purdy, Robertson, Senter, Sharp; Scott, Ury, Walton, White, Webster and Weakley; 29.

The negative voters are,

Messrs. Bradshaw, Cannon, Childress, Cahal, Douglass, Gray, Hill, Hess, Kelly, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Neil, Porter, Roadman, Richardson, Ridley, Stephenson, Smith, Smartt and Whitson; 27.

And so said amendment was agreed to.

Mr CAHAL moved the following amendment to said report; to wit;

"Bedford and Maury shall each elect two Representatives, and also one Representative jointly:

"Warren and Franklin shall each elect one Representative and also one Representative jointly."

Whereupon the question was had and determined in the negative; ayes 14, noes 37.

The ayes and noes being demanded by Mr. CAHAL,

The affirmative voters are,

Messrs. President (Carter), Cannon, Cahal, Cobbs, Fogg, Gordon, Humphreys, Kincaid, McClellan, Mabry, Ridley, Scott, Ury and Webster; 14.

The negative voters are,

Messrs. Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Childress, Cheatham, Fulton, Garrett, Gray, Hodges, Hill, Huntsman, Hess, Kelly, Kincannon, Kendall, Kimbrough, Ledbetter, Loving, McGaughey, Montgomery, Neil, Porter, Purdy, Roadman, Richardson, Robertson, Senter, Smith, Smartt, Sharp, Whitson, Walton, White and Weakley; 37.

And so the Convention refused to make said proposed amendment.

And the Report was laid on the table.

Mr GARRETT submitted the following resolution: to wit:

"*Resolved*, That the Principal Secretary and the Assistant Secretary to this Convention, be allowed the sum of dollars per day each;

and that the Principal Doorkeeper and the Assistant Doorkeeper, be allowed each the sum of dollars per day; for their services during the session of this Convention."

And on motion of Mr Garrett, the rule requiring resolutions to lie one day on the table, was suspended.

Mr Ledbetter then moved to fill the blanks in said resolution with the sum of six dollars each for the Secretary and his Assistant, and the sum of four dollars each for the Doorkeeper and his Assistant: which was agreed to.

And said resolution was adopted.

On motion of Mr Walton, the report of the committee on Senatorial and Representative Districts was taken up.

Mr Fulton offered the following as an amendment to said report; to wit:

"The counties of Jackson, Fentress and Overton, shall compose a Senatorial District, and shall elect one Senator.

"The counties of White and Warren, shall compose one Senatorial District, and shall elect one Senator."

"The counties of Franklin and Lincoln shall compose one Senatorial District, and shall elect one Senator."

Whereupon the question was had and determined in the negative; ayes 11, noes 45.

The ayes and noes being demanded by Mr Fulton,

The affirmative voters are,

Messrs. Cahal, Fulton, Fogg, Garrett, Kincaid, Loving, Mabry, Porter, Robertson, Ury and Weakley; 11.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Douglass, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kendall, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, McGaughey, Montgomery, Neil, Nelson, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smith, Smartt, Sharp, Whitson, Walton, White and Webster; 45.

And so the Convention refused to make said proposed amendment.

Mr Cahal offered the following, as an amendment to said report; to wit:

"The counties of Lincoln, Bedford and Maury, shall each elect two representatives, and also one representative jointly; and

"The counties of Warren and Franklin shall each elect one representative and one representative jointly."

Whereupon the question was had and determined in the negative; ayes 15, noes 42.

The ayes and noes being demanded by Mr. Fulton,

The affirmative voters are,

Messrs. Cahal, Cobbs, Cross, Fulton, Fogg, Kincannon, Kincaid, Ledbetter, Loving, Mabry, Porter, Ridley, Ury, Webster and Weakley; 15.

The negative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Douglass, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kendall, Kimbrough, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Neil, Nelson, Purdy, Roadman, Richardson, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Whitson, Walton and White; 42.

And so the Convention refused to make the proposed amendment.

Mr. Porter offered the following as an amendment to said report; to wit:

"*Resolved*, That the counties of Franklin and Warren, in the year one thousand eight hundred and thirty-five, elect four representatives to the State Legislature, for two years ensuing said election, and that in the year one thousand eight hundred and thirty-seven, the counties of Lincoln and Giles shall elect five representatives for two years from the time of said last election; and that the counties of Franklin and Warren, in the year one thousand eight hundred and thirty-seven, shall elect but three, and that said two districts shall as above described alternately elect the odd representative until the next enumeration takes place."

Whereupon the question was had and determined in the negative; ayes 9, noes 45.

The ayes and noes being demanded by Mr Porter,

The affirmative voters are,

Messrs President (Carter), Cahal, Cobbs, Fulton, Fogg, Garrett, Kincannon, Porter and Weakley; 9.

The negative voters are,

Messrs Allen, Armstrong, Bradshaw, Blount, Cannon, Childress, Cheatham, Cross, Douglass, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Neil, Nelson, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Ury, Whitson, Walton, White and Webster; 45.

And so said proposed amendment was rejected.

Mr. Cross moved to amend the said report as follows; to wit:

Take Perry county from the district composed of the counties of Henderson, Hardin and McNairy, and attach it to that composed of Wayne, Lawrence and Hickman.

And thereupon the question was had, and determined in the negative; ayes 21, noes 36.

The ayes and noes being demanded by Mr. Scott,

The affirmative voters are,

Messrs. President (Carter), Alexander, Cannon, Cahal, Cross, Gillespy, Huntsman, Humphreys, Kendall, Ledbetter, Loving, McClellan, John A. McKinney, Neil, Nelson, Purdy, Ridley, Robertson, Smartt, Scott and Ury; 21.

The negative voters are,

Messrs. Allen, Armstrong, Bradshaw, Burton, Blount, Childress, Cobbs, Cheatham, Douglass, Fulton, Fogg, Garrett, Gray, Gordon, Hodges, Hess, Kelly, Kincannon, Kincaid, Kimbrough, Robert J. McKinney, Mabry, McGaughey, Montgomery, Porter, Roadman, Richardson, Stephenson, Senter, Smith, Sharp, Whitson, Walton, White, Webster and Weakley; 36.

And so said proposed amendment was rejected.

Mr. GILLESPY proposed the following amendment to said report; to wit:

"The counties of Grainger, Claiborne, Campbell and Anderson shall compose the third Senatorial District, and elect one Senator: (4678 voters.)

"The Counties of Jefferson, Cocke, Sevier and Blount shall compose the fourth Senatorial District and elect one Senator: (5635 voters.)

"The Counties of Knox, Roane and Morgan shall compose the fifth Senatorial District and elect one Senator: (4741 voters.)

"The Counties of Monroe and McMinn shall compose the sixth Senatorial District and elect one Senator: (4772 voters.)

"The Counties of Rhea, Bledsoe, Marion and Hamilton shall compose the seventh Senatorial District, and elect one Senator; (3683 voters.)

"The Counties of Claiborne, Grainger, Jefferson, Cocke, Sevier, Blount, Knox, Roane, Rhea, Monroe and McMinn, shall elect one Representative each. The Counties of Campbell and Anderson, shall elect one Representative. The Counties of Morgan and Bledsoe shall elect one Representative. The Counties of Marion and Hamilton shall elect one Representative. The Counties of McMinn and Monroe shall elect one Member jointly. The Counties of Roane and Knox shall elect one Representative jointly. The counties of Blount and Jefferson shall elect one representative alternately, commencing with the county of ."

In lieu of which Mr. MCGAUGHEY offered the following; to wit:

"The Counties of Washington, Greene and Cocke shall compose one District, and elect one Senator.

"The Counties of Blount, Jefferson and Sevier shall compose one District, and elect one Senator."

Whereupon Mr. STEPHENSON moved that the report of the Committee, together with the amendments thereto proposed, so far as the same relate to East Tennessee, be referred to a committee consisting of the whole delegation from East Tennessee.

Whereupon Mr. Gillespy, in order to expedite business and prevent further discussion, withdrew his proposed amendment.

Mr. KINCAID then moved a reconsideration of the vote heretofore taken, adopting the amendment, proposed by Mr. Carter, in relation to the first District.

And thereupon the question being had, it was determined in the negative; ayes 21, noes 36.

The ayes and noes being demanded by Mr. STEPHENSON.

The affirmative voters are,

Messrs. Armstrong, Bradshaw, Childress, Douglass, Gray, Kelly, Kincannon, Kincaid, Kimbrough, Ledbetter, McClellan, Robert J. McKinney, John A. McKinney, Mabry, McGaughey, Montgomery, Richardson, Ridley, Stephenson, Smith and Sharp; 21.

The negative voters are,

Messrs. President (Carter), Allen, Alexander, Burton, Blount, Cannon, Cahal, Cobbs, Cheatham, Cross, Fulton, Fogg, Garrett, Gillespy, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kendall, Loving, Neil, Nelson, Porter, Purdy, Roadman, Robertson, Senter, Scott, Ury, Whitson, Walton, White, Webster and Weakley; 36.

And so the Convention refused to reconsider said vote.

The report and the amendment proposed thereto by Mr. McGaughey, were then, on motion of Mr. Burton, laid on the table.

Mr. BURTON, from the Committee who were directed to inquire into the most convenient plan of submitting the amended Constitution to the people, submitted the following

REPORT:

The Commmittee to whom was recommitted the Resolution directing an inquiry as to the most convenient plan of submitting the amended Constitution to the People for their ratification or rejection, have further considered on that subject, and have instructed their Chairman to report the subjoined Ordinance, and to ask the adoption of the same:

1. *Ordered*, That it shall be the duty of the several officers of this State, authorized by law to hold elections for Members of the General Assembly, to open and hold an election, at the usual places for holding elections for Members of the General Assembly, in their respective counties, on the first Thursday and Friday in   , for the purpose of receiving the votes of such qualified voters as may desire to vote for the adoption or rejection of this amended Constitution; *provided*, that no person shall be deemed a qualified voter in said election, except such as are included within the provisions of the first section of the fourth article of this amended Constitution.

II. *Ordered*, That it shall be the duty of said returning officers in each county in this State, to prepare poll books, which shall be opened on said days of election, and in which shall be enrolled the name of each, by the assistance of clerks who shall be appointed and sworn as clerks in other elections. Said officers shall prepare a ballot box in which shall be placed the ticket of each voter: each ticket shall have written thereon the words "I ratify the amended Constitution"; or, if the voter is opposed to it, "I reject the amended Constitution", or the words "ratification" or "rejection", or some other such word as will distinctly convey the intention of such voter. The justices of the several county courts in this State, at some term previous to the day of said election, shall appoint three Inspectors for each precinct, and in case of failure of the courts to appoint Inspectors, then said returning officers shall appoint them. It shall be the duty of said returning officers, in presence of said Inspectors, to count the votes given for the ratification and rejection of the Constitution, of which they shall keep a true and correct estimate in said poll book. Said returning officers shall deposite the original poll books of said elections with the clerks of the county courts of their respective counties, and shall, within five days after said election, make out duplicate statements of the number of votes in their respective counties for ratifying and for rejecting the Constitution; and shall forward by mail, one of said certificates to the Governor, one to the Secretary of State, and shall likewise deposite one with the clerk of the county court. It shall be the duty of said several clerks carefully to examine the said poll books, and forthwith certify to the Secretary of State a full, true and perfect estimate of the number of votes taken for and against the Constitution, as appears from the poll books filled in their offices. Should said returning officers, or either of them fail to make returns, in due time as above directed; the Secretary of State shall then be auhorized to despatch a special messenger, for the purpose of obtaining a certified copy of the result of said elections.

III. *Ordered*, That upon the receipt of the said returns, it shall be the duty of the Governor, Secretary of State and any one of the Judges of the Supreme Court, or any two of the said named officers, to compare the votes given in said election for the ratification and rejection of the amended Constitution, and if it shall appear from said returns that a majority of all the votes given in said election are for ratifying the amended Constitution, then it shall be the duty of the Governor forthwith to make proclamation of that fact, and thenceforth this amended Constitution shall be ordained and established as the CONSTITUTION OF THE STATE OF TENNESSEE. It shall moreover be the duty of the Governor, in and by said proclamation to command the sheriffs and other officers, directed by law to hold and superintend elections, to open the polls of election at the usual places of holding elections for Members of the General Assembly in their respective counties, on the first Thursday in August, one thousand eight hundred and thirty-five, for the purpose of electing a Governor, and for the election of Senators and Representatives to the General Assembly of this State from the several districts and counties as mentioned and described in this Ordinance, and the said officers shall make returns of said elections under the same rules and regulations as are now required by the existing laws.

IV. *Be it further ordered*, That if any Sheriff or other returning officers shall fail, faithfully, and within the time prescribed by this Ordinance, to discharge any of the duties hereby required; such Sheriff or other returning officer, so failing as aforesaid, shall forfeit and pay the sum of five thousand dolars, to be recovered by action of debt in any of the courts of record in this State; to be sued for in the name of the Governor, for the use and benefit of Common Schools.

All of which is respectfully submitted.

ROBERT M. BURTON, *Chairman.*

Mr **Burton** moved to fill the blank in said report with the word "March":

But before the question was had thereon,

The Convention adjourned.

Friday, August 29, 1834.

The Convention met according to adjournment, and was opened with prayer, by the Reverend Mr **Edgar** of the Presbyterian Church.

Mr **White**, from the Committee appointed to examine and correct the phraseology of the amended Constitution, made a report of sundry amendments and alterations: which were severally read and concurred with.

Mr **Smith** moved a correction of the Journals of the twenty-second inst; changing his vote to the affirmative instead of the negative:

Which was agreed to, and said correction made.

Mr **John A. McKinney** offered the following as an amendment to the resolution fixing the seat of Government; and also moved to strike out the word "permanently" from the original resolution; to wit:

"Shall be designated and fixed, and when so fixed shall not be removed, except by the consent of two-thirds of the Members of both Houses of the Legislature."

Which proposition was adopted; and said amendment ordered.

Mr **Fulton** moved to amend the resolution with regard to the location of the seat of Government, so as to make it the duty of the Legislature of one thousand eight hundred and forty-five to locate the same.

Which motion he afterwards withdrew.

Mr **Huntsman** moved to take up the resolution on the subject of an adjournment, which being agreed to, Mr Huntsman moved to fill the blank in said resolution with the words "Saturday thirtieth instant," and to add at the end thereof the word "inclusive."

Which motion prevailing, the said resolution was adopted, as amended, in the following words; to wit:

"*Resolved*, That this Convention will adjourn *sine die*, on Saturday thirtieth inst: and that the Committee heretofore appointed for that purpose, estimate and report the expenses of the session up to that day, inclusive."

On motion of Mr **Burton**, the report of the Committee appointed to inquire into the most convenient plan of submitting the amended Constitution to the people for their ratification or rejection, was taken up: and the same having been read,

The question recurred upon the motion of Mr **Burton**, to fill the blank in said report with the word "March":

Which was agreed to.

Mr. CHEATHAM then moved to strike out from said report the words "I ratify the amended Constitution," or if the voter is opposed to it, "I reject the amended Constitution," or the words "ratification" or "rejection," and to insert in lieu thereof the words "new Constitution," or, if the voter is opposed to it, "old Constitution";

And the question being had thereon, it was determined in the negative; ayes 18, noes 34.

The ayes and noes being demanded by Mr. CHEATHAM,

The affirmative voters are,

Messrs. President (Carter), Armstrong, Blount, Childress, Cahal, Cobbs, Cheatham, Douglass, Fogg, Huntsman, Humphreys, Kendall, Ledbetter, John A. McKinney, Robertson, Smith, Ury and Weakley; 18.

The negative voters are,

Messrs. Allen, Alexander, Bradshaw, Cannon, Cross, Garrett, Gillespy, Gray, Hodges, Hill, Hess, Kelly, Kincannon, Kincaid, Kimbrough, Loving, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Porter, Purdy, Roadman, Richardson, Ridley, Stephenson, Senter, Smartt, Scott, Whitson, Walton, White and Webster; 34.

And so the Convention refused to make said proposed amendment.

Mr. MABRY moved to insert, at the end of the first section, the words, "the vote for or against the amended Constitution shall be given *viva voce*."

Which proposed amendment was rejected.

Mr. PORTER moved to insert in the third section of said report, the words "and Members of Congress."

Which motion prevailed and said words were inserted.

Mr. CHILDRESS moved to strike from the third section all after the words "shall be ordained and established as the Constitution of the State of Tennessee."

Which motion was rejected.

Mr. BURTON moved to strike out the word "usual", at every place where it precedes the words "places of holding elections."

Which motion prevailed.

Mr CHILDRESS moved so to amend the report as to provide that the county courts appoint inspectors according to law.

Which motion was rejected.

Mr. ROBERTSON moved to strike out the words "and Friday," so as to provide that the elections shall be held on one day only.

Which motion was rejected.

Mr. KINCAID offered the following as an amendment, to be inserted at the end of the third section thereof; to wit:

"And it shall be the duty of the Secretary of State to record the returns made from each county or district, and the result of said election, in a bound book, to be preserved in his office."

Which amendment was accepted.

On motion of Mr. BURTON, the report, as amended was then concurred with.

On motion of Mr. Huntsman,

Ordered, That the ordinance adopted on the recommendation of the committee appointed to inquire into the best mode of submitting the amended Constitution to the People, for their ratification or rejection, be appended to the Constitution.

Mr. Kincaid submitted the following resolutions; to wit:

"*Resolved by the Convention of the State of Tennessee*, That, upon the adjournment of the Convention, *sine die*, the journal of its proceedings shall be deposited in the office of the Secretary of State, and that the public printer be permitted to take copy from said journal for the purpose of enabling him to print the same.

"*Resolved*, That it shall be the duty of the Secretary to superintend the printing of said journals."

And on motion of Mr. Kincaid, the rule requiring resolutions to lie one day on the table being suspended,

The first resolution above submitted by him, was adopted.

On motion of Mr. Cheatham it was ordered, that the journal of the Committee of the Whole, be deposited in the office of the Secretary of State.

Mr. Gordon submitted the following resoluiton; to wit;

"*Resolved*, and it is hereby ordained, that the President of this Convention draw a warrant in favor of Laughlin and Henderson, printers to this Convention, to be countersigned by the Secretary, and deposit the same with the Secretary of State: and that when the public printers shall have completed the printing of the Journals of this Convention, the Secretary of State be, and he is hereby authorized to audit their accounts for the printing said Journals and for distributing the same according to law, and that he then fill up the said warrant with the sum thus legally due to the said printers to this Convention, after deducting therefrom the sum of twenty-five hundred dollars, which has already been advanced to them by the Treasurer of Middle Tennessee; and the said warrant, when so filled up, shall be paid by the said Treasurer as other expenses of this Convention, from funds borrowed from the Union Bank of the State of Tennessee for that purpose, and the same when paid, and the receipts of the said Laughlin and Henderson, for the said sum already advanced, shall be good vouchers in his hands in the settlement of his accounts with the State."

And on motion of Mr Gordon, the rule requiring resolutions to be laid on the table for one day, being suspended, said resolution was adopted.

Mr John A. McKinney submitted the following:

Resolved, That the conclusion of the Constitution shall be in the following words: "By order of the Convention," and that it shall be signed by the President and countersigned by the Secretary: and that the Secretary shall append to the Constitution the names of the Members, with the County or District which they represent."

On motion of Mr Cannon the report on Districts was taken up.

Mr Scott offered the following as an amendment to said report; to wit:

"*Resolved*, That the counties of Henderson, Perry and Hickman shall compose one Senatorial District, and elect one Senator.

"That the counties of McNairy, Hardin, Wayne and Lawrence shall compose one Senatorial District, and elect one Senator."

Whereupon the question was had and determined in the negative; ayes 16, noes 28.

The ayes and noes being demanded by Mr SCOTT,

The affirmative voters are,

Messrs. Alexander, Bradshaw, Cannon, Cross, Kelly, Kendall, Ledbetter, McClellan, Purdy, Ridley, Robertson, Smartt, Sharp, Scott, Ury and Webster; 16.

The negative voters are,

Messrs. Allen, Armstrong, Burton, Blount, Cahal, Cobbs, Cheatham, Fulton, Garrett, Gillespy, Gray, Gordon, Hodges, Hess, Kincannon, Kincaid, Loving, Robert J. McKinney, John A. McKinney, McGaughey, Montgomery, Roadman, Richardson, Stephenson, Senter, Smith, White and Weakley; 28.

And so said proposed amendment was rejected.

Mr GARRETT offered the following as an amendment to said report; to wit:

"The counties of Hawkins and Greene shall compose one Senatorial District, and elect one Senator."

Which amendment was agreed to.

The question was then had on a concurrence with said report, and determined in the affirmative; ayes 36, noes 17.

The ayes and noes being demanded by Mr CROSS,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cheatham, Douglass, Fogg, Garrett, Gillespy, Gray, Gordon, Hill, Huntsman, Hess, Kelly, Kincannon, Ledbetter, Loving, Mabry, Montgomery, Roadman, Richardson, Robertson, Senter, Smith, Smartt, Sharp, Whitson, Walton, White and Weakley; 36.

The negative voters are,

Messrs. Cahal, Cobbs, Cross, Fulton, Hodges, Kincaid, McClellan, Robert J. McKinney, John A. McKinney, McGaughey, Porter, Purdy, Ridley, Stephenson, Scott, Ury and Webster; 17.

And so said report, was concurred in.

The said report was thereupon re-committed to the same Committee, in order that the same might be drawn up in form of a section to the Ordinance to be appended to the amended Constitution; and that the places of comparing the poll books in the several districts might be pointed out; with instructions to report accordingly.

Whereupon the Committee retired, and after some time,

Mr GORDON, from said Committee on Senatorial and Representative Districts, made a report;

And the same having been read,

Mr HUNTSMAN moved to fill the first blank in said report with the word "Monday", as the time for comparing the polls for Senators of the several Districts;

Which was agreed to.

Mr Gordon then moved to fill the second blank in said report with the word "Saturday", as the time for comparing the polls for Representatives in the several Districts:

Which was also agreed to.

Whereupon the said report, as amended, was concurred with.

The amendment to which is in the following words; to wit:

Sec. 5. *Be it further Ordered*, That until the first enumeration and apportionment of representation in one thousand eight hundred and forty-one, as directed by the amended Constitution, the following districts shall be formed, each of which shall elect one Senator, and the polls of election shall be compared at the several places herein mentioned, on the first Monday succeeding the day of election; to wit:

The counties of Carter, Sullivan and Washington, shall form one district; and the polls shall be compared in the town of Jonesborough:

The counties of Greene and Hawkins, shall compose one district; and the polls shall be compared in the town of Greenville.

The counties of Cocke, Sevier, Jefferson and Blount, shall form one district; and the polls shall be compared in the town of Sevierville.

The counties of Grainger, Claiborne, Campbell, Anderson and Morgan, shall compose one district; and the polls shall be compared at the house of Robert Glenn Esq., in Campbell county.

The counties of Knox and Roane, shall form one district; and the polls shall be compared at Campbell's Station.

The counties of Monroe and M'Minn shall compose one district; and the polls shall be compared in the town of Athens.

The counties of Rhea, Bledsoe, Marion and Hamilton, shall compose one District; and the polls shall be compared at the town of Dallas.

The counties of Warren and Franklin, shall compose one district; and the polls shall be compared at Hillsborough.

The counties of Overton, Jackson, Fentress and White, shall compose one district; and the polls shall be compared at Livingston.

The counties of Lincoln and Giles, shall compose one district; and the polls shall be compared at the house of John Kennedy.

The counties of Smith and Sumner shall compose one district; and the polls shall be compared at Hartsville.

The county of Bedford, shall compose one district; and the polls shall be compared at Shelbyville.

The county of Maury, shall compose one district; and the polls shall be compared in Columbia.

The county of Rutherford, shall compose one district; and the polls shall be compared at Murfreesborough.

The county of Davidson, shall compose one district; and the polls shall be compared in the city of Nashville.

The county of Williamson, shall compose one district; and the polls shall be compared in the town of Franklin.

The counties of Lawrence, Wayne and Hickman, shall compose one district; and the polls shall be compared at Catron and Napier's Furnace.

The counties of Dickson, Stewart and Humphreys shall compose one district; and the polls shall be compared at Simmons' Old Place on Yellow creek.

The counties of Robertson and Montgomery shall compose one district; and the polls shall be compared at Port Royal.

The county of Wilson, shall compose one one district; and the polls shall be compared in Lebanon.

The counties of Hardeman, Fayette and Shelby, shall compose one district; and the polls shall be compared in Sommerville.

The counties of Madison, Haywood and Tipton, shall compose one district; and the polls shall be compared in Brownsville.

The counties of Carroll, Gibson and Dyer, shall compose one district; and the polls shall be compared in Trenton.

The counties of Henry, Weakley and Obion shall compose one district; and the polls shall be compared in Dresden.

The counties of Henderson, Perry, McNairy and Hardin, shall compose one district; and the polls shall be compared at the house of James Wright, in Hardin county.

And until said enumeration and apportionment of one thousand eight hundred and forty one, the counties of Carter, Sullivan, Washington, Greene, Hawkins, Cocke, Sevier, Jefferson, Blount, Grainger, Claiborne, Knox, Roane, Monroe, McMinn, Rhea and Bledsoe, shall each elect one representative; and the polls shall be compared at their respective court houses.

The counties of Sullivan and Hawkins shall jointly elect one representat[illegible] and shall compare the polls at Kingsport.

The counties of Greene and Washington, shall jointly elect one representative; and the polls shall be compared at the house of Joshua Royston Esq.

The counties of Knox and Roane, shall jointly elect one representative; and the polls shall be compared at Campbell's Station.

The counties of Monroe and McMinn, shall jointly elect one representative; and the polls shall be compared at Athens.

The counties of Campbell, Anderson and Morgan, shall jointly elect two representatives; and the the polls shall be compared at the house of James Ross Esq. in Anderson county.

The counties of Marion and Hamilton, shall jointly elect one representative; and the polls shall be compared at Dallas.

The counties of Warren, Franklin, Bedford, Lincoln, Giles, Maury, Rutherford, Williamson, Davidson, Wilson, Smith and Sumner, shall each elect two representatives; and the polls shall be compared at their respective court houses.

The counties of Lawrence, Wayne, Hickman, Dickson Humphreys, Montgomery, Stewart, Robertson, Overton, Jackson, Fentress, White, Hardin, McNairy, Hardeman, Fayette, Shelby, Perry, Henderson, Madison, Haywood, Tipton, Carroll, Gibson, Henry and Weakley, shall each elect one representative; and the polls shall be compared at their respective court houses.

The counties of Obion and Dyer, shall jointly elect one representative; and the polls shall be compared at the house of William Terrell Esq. in Dyer county.

The returns of the elections for Representatives, shall be made at the several places herein pointed out, on the first Saturday succeeding the day of election.

Saturday, August 30, 1834.

The Convention met according to adjournment and was opened by prayer, by the Rev. Mr **Senter**, of the Methodist Episcopal Church.

Mr **Burton**, from the Committee appointment to superintend the engrossing and enrolling of the Constitution submitted the following

REPORT.

The Committee to whom was assigned the duty of superintending the enrolment of the Amended Constitution have performed that duty, by having the same enrolled on parchment.

The Committee have with great care compared the enrolled with the engrossed copy and find it to be correct.

They tender it to the Convention and ask the attestation of the Members of this Convention and the Secretary thereof.

All of which is respectfully submitted:

ROBERT M. BURTON,
Chairman.

Which was read and laid on the table.

Mr **Weakley** moved that the resolution submitted on yesterday by Mr John A. McKinney be taken up; which being agreed to, said resolution was read:

Mr **Weakley** moved that said resolution be adopted.

Whereupon Mr **Blount** submitted the following, in lieu of said resolution; to wit:

Resolved, That the following be the conclusion of the Amended Constitution; to wit:

"Done in Convention, by unanimous consent of the Delegates present the thirtieth day of August, in the year of our Lord one thousand eight hundred and thirty-four, and of the Independence of the United States of America the fifty-ninth. In witness whereof, we have hereunto subscribed our names."

Mr **Cahal** offered the following resolutions:

Resolved, That the President tender the thanks of the Convention to Sam G. Smith, Esquire, Secretary of State, for his kindness and attention in furnishing the information requested by the numerous calls of the House, and in particular for the statistical tables presented by him;

which are compiled with labor, ability and correctness, and have been of great utility and importance to the members of this Convention.

Resolved, That five hundred copies of said tables be published in the journals.

Mr Huntsman then moved a suspention of the rule, requiring resolutions to be laid for one day on the table, for the remainder of the session: Which motion prevailed.

The first of the two resolutions offered by Mr Cahal was then read and unanimously adopted:

And Mr Cahal withdrew his second resolution.

Mr Huntsman submitted the following resolutions; which were severally read and adopted:

Resolved, That the Secretary of State, in distributing the copies of the old and new Constitution, in pursuance of a resolution of this Convention, be authorized to employ three persons for that purpose, if he shall think proper.

Whereas, under previous resolutions of this Convention, the Treasurer of West Tennessee was authorized to make arrangements with any of the banks of this city, for the purpose of raising money for defraying the expenses of this Convention; therefore

Resolved, That upon the Treasurer's certifying to the President of this Convention the amount due to any of the Banks of this city, for the purpose aforesaid, it shall be the duty of the President of this Convention to issue a certificate obligatory upon the State of Tennessee, in favor of such Bank, for the payment of such sums of money, so advanced, with the interest at the rate of six *per centum per annum*, payable semi-annually out of any money in the Treasury not otherwise appropriated; which certificate shall be countersigned by the Secretary of this Convention.

Mr Childress submitted the following resolution:

Resolved, That the Secretary of the Convention be directed to remain and complete the Journals by copying the Reports of the different Committees, and the Constitution and other documents, and that the Journals be bound and deposited in the office of the Secretary of State as heretofore ordered: and that he also be directed to superintend the printing of the Journal of the Convention, and that he be allowed one hundred and twenty dollars therefor:

Which was adopted.

The Amended Constitution as enrolled was then read.

Whereupon Mr John A. McKinney submitted the following resolution, in lieu of one heretofore submitted by him:

"*Resolved*, That the conclusion of the Constitution shall be in the form following: "By order of the Convention" and shall be authenticated by the signatures of the President and Secretary, and that the Members may annex their names thereto.

Mr Allen then moved that the Members now be called in alphabetical order, and that such Members as wish to do so, come forward and sign the Constitution.

Mr Blount then submitted the following, in lieu of a resolution heretofore submitted by him and of all other propositions on the subject:

Resolved, That the conclusion of the Constitution be in the following form:

"Done in Convention, at Nashville, this thirtieth day of August, in the year of our Lord one thousand eight hundred and thirty-four, and of the Independence of the United States the fifty-ninth.

"In testimony whereof, we have hereunto subscribed our names."

Whereupon the question was had and determined in the affirmative; ayes 49, noes, 4.

The ayes and noes being demanded by Mr John A. McKinney,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cobbs, Cheatham, Cross, Douglass, Garrett, Gillespy, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Ledbetter, Loving, McClellan, Mabry, McGaughey, Montgomery, Neil, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White and Webster; 49.

The negative voters are,

Messrs. Fulton, Fogg, John A. McKinney and Weakley; 4.

And so said proposition was adopted, and the same was ordered to be appended as the conclusion of the Constitution.

Mr Burton then moved the adoption of the Constitution.

And thereupon the question was had and determined in the affirmative; ayes 55, noes 3.

The ayes and noes being demanded by Mr Cannon,

The affirmative voters are,

Messrs. President (Carter), Allen, Armstrong, Alexander, Bradshaw, Burton, Blount, Cannon, Childress, Cahal, Cheatham, Cross, Douglass, Fogg, Garrett, Gillespy, Gray, Gordon, Hodges, Hill, Huntsman, Humphreys, Hess, Kelly, Kincannon, Kincaid, Kendall, Kimbrough, Ledbetter, Loving, McClellan, Robert J. McKinney, Mabry, McGaughey, Montgomery, Marr, Neil, Nelson, Porter, Purdy, Roadman, Richardson, Ridley, Robertson, Stephenson, Senter, Smith, Smartt, Sharp, Scott, Ury, Whitson, Walton, White and Webster; 55.

The negative voters are,

Messrs. Cobbs, Fulton and Weakley; 3.

And so said Constitution was adopted:

Whereupon Mr Burton moved that the Members now proceed to sign the Constitution in alphabetical order, headed by the President, and that it be attested by the Secretary.

Which motion prevailing,

The CONSTITUTION was accordingly SIGNED: and is in the following words; to wit:

WHEREAS, THE PEOPLE OF THE TERRITORY OF THE UNITED

STATES, SOUTH OF THE RIVER OHIO. *having the right of admission into the General Government as a Member State thereof, consistent with the Constitution of the United States, and the act of cession of the State of North Carolina, recognizing the ordinance for the government of the territory of the United States, north west of the river Ohio, by their Delegates and Representatives in Convention assembled, did, on the sixth day of February, in the year of our Lord one thousand seven hundred and ninety-six,* ORDAIN AND ESTABLISH A CONSTITUTION OR FORM OF GOVERNMENT; *and mutually agreed with each other to form themselves into a* FREE AND INDEPENDENT STATE, *by the name of* "THE STATE OF TENNESSEE;" *and whereas the General Assembly of said* STATE OF TENNESSEE, *(pursuant to the third section of the tenth article of the Constitution) by an act passed on the twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-three, entitled "An act to provide for the calling of a Convention," did authorize and provide for the election,* BY THE PEOPLE, *of Delegates and Representatives, to meet at Nashville, in Davidson county, on the third Monday in May, in the year of our Lord one thousand eight hundred and thirty-four,* "FOR THE PURPOSE OF REVISING, AND AMENDING *(or changing)* THE CONSTITUTION:"

WE, *therefore,* THE DELEGATES AND REPRESENTATIVES OF THE PEOPLE OF THE STATE OF TENNESSEE, *elected and in Convention assembled, in pursuance of the said Act of Assembly,* HAVE ORDAINED AND ESTABLISHED *the following* AMENDED CONSTITUTION AND FORM OF GOVERNMENT FOR THIS STATE, *which we recommend to* THE PEOPLE OF TENNESSEE *for their ratification; that is to say:*

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of those ends, they have, at all times, an unalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.

SEC. 2. That government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish and destructive to the good and happiness of mankind.

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own conscience; that no man can, of right, be compelled to attend, erect or support any place of worship, or to maintain any Minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given, by law, to any religious establishment or mode of worship.

Sec. 4. That no religious test shall ever be required as a qualification to any office or public trust under this State.

Sec. 5. That elections shall be free and equal.

Sec. 6. That the right of trial by jury shall remain inviolate.

Sec. 7. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

Sec. 8. That no free man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land.

Sec. 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and in prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the county or district in which the crime shall have been committed; and shall not be compelled to give evidence against himself.

Sec. 10. That no person shall, for the same offence, be twice put in jeopardy of life or limb.

Sec. 11. That laws made for the punishment of facts committed previous to the existence of such laws, and by them only declared criminal, are contrary to the principles of a free government; wherefore no *ex post facto* law shall be made.

Sec. 12. That no conviction shall work corruption of blood or forfeiture of estate. The estate of such persons as shall destroy their own lives, shall descend or vest as in case of natural death. If any person be killed by casualty, there shall be no forfeiture in consequence thereof.

Sec. 13. That no person arrested or confined in jail, shall be treated with unnecessary rigor.

Sec 14. That no free man shall be put to answer any criminal charge but by presentment, indictment or impeachment.

Sec. 15. That all prisoners shall be bailable by sufficient sureties unless for capital offences when the proof is evident or the presumption great. And the privilege of the writ of *habeas corpus* shall not be suspended, unless when in case of rebellion or invasion the public safety may require it.

Sec. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Sec. 17. That all courts shall be open; and every man, for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the State in such manner, and in such courts, as the Legislature may by law direct.

Sec. 18. That the person of a debtor, where there is not strong presumption of fraud, shall not be continued in prison after delivering up his estate for the benefit of his creditor or creditors, in such manner as shall be prescribed by law.

Sec. 19. That the printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or of any branch or Officer of Government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty. But in prosecutions for the publication of papers investigating the official conduct of officers or men in public capacity, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts, under the direction of the Court, as in other criminal cases.

Sec. 20. That no retrospective law, or law impairing the obligation of contracts, shall be made.

Sec. 21. That no man's particular services shall be demanded, or property taken, or applied to public use, without the consent of his representatives, or without just compensation being made therefor.

Sec. 22. That perpetuities and monopolies are contrary to the genius of a free State, and shall not be allowed.

Sec. 23. That the citizens have a right, in a peaceable manner, to assemble together, for their common good, to instruct their representatives, and to apply to those invested with the powers of government for redress of grievances or other proper purposes, by address or remonstrance.

Sec. 24. That the sure and certain defence of a free people, is a well regulated militia: and, as standing armies in time of peace are dangerous to freedom, they ought to be avoided, as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

Sec. 25. That no citizen of this State, except such as are employed in the army of the United States, or militia in actual service, shall be subjected to corporeal punishment under the martial law.

Sec. 26. That the free white men of this State have a right to keep and to bear arms for their common defence.

Sec. 27. That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

Sec. 28. That no citizen of this State shall be compelled to bear arms, provided he will pay an equivalent, to be ascertained by law.

Sec. 29. That an equal participation of the free navigation of the Mississippi, is one of the inherent rights of the citizens of this State: it cannot, therefore, be conceded to any prince, potentate, power, person or persons whatever.

SEC. 30. That no hereditary emoluments, privileges, or honors, shall ever be granted or conferred in this State.

SEC. 31. That the limits and boundaries of this State be ascertained, it is declared they are as hereafter mentioned, that is to say: Beginning on the extreme height of the Stone mountain, at the place where the line of Virginia intersects it, in latitude thirty-six degrees and thirty minutes north; running thence along the extreme height of the said mountain to the place where Watauga river breaks through it; thence a direct course to the top of the Yellow mountain, where Bright's road crosses the same; thence along the ridge of said mountain between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron mountain; from thence along the extreme height of said mountain, to the place where Nolichucky river runs through the same; thence to the top of the Bald mountain; thence along the extreme height of said mountain, to the Painted Rock, on French Broad river; thence along the highest ridge of said mountain, to the place where it is called the Great Iron or Smoky mountain; thence along the extreme height of said mountain, to the place where it is called Unicoi or Unaka mountain, between the Indian towns of Cowee and Old Chota; thence along the main ridge of the said mountain, to the southern boundary of this State, as described in the act of cession of North Carolina to the United States of America: and that all the territory, lands and waters lying west of the said line, as before mentioned, and contained within the chartered limits of the State of North Carolina, are within the boundaries and limits of this State, over which the people have the right of exercising sovereignty and the right of soil, so far as is consistent with the constitution of the United States, recognizing the articles of confederation, the bill of rights, and constitution of North Carolina, the cession act of the said State, and the ordinance of Congress for the government of the territory north west of the Ohio: *provided*, nothing herein contained shall extend to affect the claim or claims of individuals, to any part of the soil which is recognized to them by the aforesaid cession act: *and provided also*, that the limits and jurisdiction of this State shall extend to any other land and territory now acquired, or that may hereafter be acquired by compact or agreement with other States or otherwise, although such land and territory are not included within the boundaries herein before designated.

SEC. 32. The people residing south of French Broad and Holston between the rivers Tennessee and Big Pigeon, are entitled to the right of pre-emption and occupancy in that tract.

ARTICLE II.

SECTION 1. The powers of the Government shall be divided into three distinct departments; the Legislative, Executive and Judicial.

SEC. 2. No person or persons belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted.

Sec. 3. The Legislative authority of this State shall be vested in a General Assembly, which shall consist of a Senate and House of Representatives, both dependent on the people.

Sec. 4. An enumeration of the qualified voters and an apportionment of the Representatives in the General Assembly, shall be made in the year one thousand eight hundred and forty-one, and within every subsequent term of ten years.

Sec. 5. The number of Representatives shall, at the several periods of making the enumeration, be apportioned among the several counties or districts according to the number of qualified voters in each; and shall not exceed seventy-five, until the population of the State shall be one million and a half; and shall never thereafter exceed ninety-nine; *provided*, that any county having two-thirds of the ratio, shall be entitled to one member.

Sec. 6. The number of Senators shall, at the several periods of making the enumeration, be apportioned among the several counties or districts, according to the nnmber of qualified electors in each, and shall not exceed one-third the number of Representatives. In apportioning the Senators among the different counties, the fraction that may be lost by any county or counties, in the apportionment of Members to the House of Representatives, shall be made up to such coonty or counties in the Senate as near as may be practicable. When a district is composed of two or more counties, they shall be adjoining; and no county shall be divided in forming a district.

Sec. 7. The first election for Senators and Representatives shall be held on the first Thursday in August, one thousand eight hundred and thirty-five; and forever thereafter, elections for Members of the General Assembly shall be held once in two years, on the first Thursday in August; said elections shall terminate the same day.

Sec. 8. The first session of the General Assembly shall commence on the first Monday in October, one thousand eight hundred and thirty-five; and forever thereafter, the General Assembly shall meet on the first Monday in October next ensuing the election.

Sec. 9. No person shall be a Representative, unless he shall be a citizen of the United States of the age of twenty-one years, and shall have been a citizen of this State for three years, and a resident in the county he represents one year immediately preceding the election.

Sec. 10. No person shall be a Senator unless he shall be a citizen of the United States, of the age of thirty years, and shall have resided thee years in this State, and one year in the county or district, immediately preceding the election. No Senator or Representative shall, during the time for which he was elected, be eligible to any office or place of trust, the appointment to which is vested in the Executive or the General Assembly, except to the office of Trustee of a literary institution.

Sec. 11. The Senate and House of Representatives, when assembled, shall each choose a Speaker and its other officers, be judges of the qualifications and election of its members, and sit upon its own adjournments from day to day. Two-thirds of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized by law to compel the attendance of absent members.

Sec. 12. Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and, with the concurrence of two-thirds, expel a member, but not a second time for the same offence; and shall have all other powers necessary for a branch of the Legislature of a free State.

Sec. 13. Senators and Representatives shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and, for any speech or debate in either House, they shall not be questioned in any other place.

Sec. 14. Each House may punish by imprisonment, during its session, any person not a Member, who shall be guilty of disrespect to the House, by any disorderly or contemptuous behaviour in its presence.

Sec. 15. When vacancies happen in either House, the Governor for the time being, shall issue writs of election to fill such vacancies.

Sec. 16. Neither House shall, during its session, adjourn without consent of the other for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Sec. 17. Bills may originate in either house, but may be amended, altered or rejected, by the other.

Sec. 18. Every bill shall be read once on three different days, and be passed each time in the House where it originated, before transmission to the other. No bill shall become a law, until it shall be read and passed on three different days in each House, and be signed by the respective Speakers.

Sec. 19. After a bill has been rejected, no bill containing the same substance shall be passed into a law during the same session.

Sec. 20. The style of the laws of this State shall be, "*Be it enacted by the General Assembly of the State of Tennessee.*"

Sec. 21. Each House shall keep a journal of its proceedings, and publish it, except such parts as the welfare of the State may require to be kept secret; the ayes and noes shall be taken in each House upon the final passage of every bill of a general character, and bills making appropriations of public moneys; and the ayes and noes of the members on any question shall, at the request of any two of them, be entered on the journal.

Sec. 22. The doors of each House and of Committees of the Whole, shall be kept open, unless when the business shall be such as ought to be kept secret.

Sec. 23. The sum of four dollars per day, and four dollars for every twenty-five miles travelling to and from the Seat of Government, shall be allowed to the Members of the first General Assembly, as a compensation for their services. The compensation of the Members of the succeeding Legislatures, shall be ascertained by law; but no law increasing the compensation of the Members shall take effect until the commencement of the next regular session after such law shall have been enacted.

SEC. 24. No money shall be drawn from the treasury, but in consequence of appropriations made by law: and an accurate statement of the receipts and expenditures of the public money, shall be attached to and published with the laws at the rise of each stated session of the General Assembly.

SEC. 25. No person, who heretofore hath been, or may hereafter be, a collector or holder of public moneys, shall have a seat in either House of the General Assembly, until such person shall have accounted for and paid into the treasury, all sums for which he may be accountable or liable.

SEC. 26. No Judge of any court of law or equity, Secretary of State, Attorney General, Register, Clerk of any court of record, or person holding any office under the authority of the United States, shall have a seat in the General Assembly; nor shall any person in this this State hold more than one lucrative office at the same time: *Provided*, that no appointment in the militia, or to the office of Justice of the Peace, shall be considered a lucrative office, or operate as a disqualification to a seat in either House of the General Assembly.

SEC. 27. Any member of either House of the General Assembly shall have liberty to dissent from, and protest against, any act or resolve which he may think injurious to the public or to any individual, and to have the reasons for his dissent entered on the journals.

SEC. 28. All lands liable to taxation, held by deed, grant, or entry, town lots, bank stock, slaves between the ages of twelve and fifty years, and such other property as the Legislature may from time to time deem expedient, shall be taxable. All property shall be taxed according to its value; that value to be ascertained in such manner as the Legislature shall direct, so that the same shall be equal and uniform throughout the State. No one species of property from which a tax may be collected, shall be taxed higher than any other species of property of equal value. But the Legislature shall have power to tax merchants, pedlars, and privileges, in such manner as they may, from time to time, direct. A tax on white polls shall be laid, in such manner and of such an amount, as may be prescribed by law.

SEC. 29. The General Assembly shall have power to authorize the several Counties and Incorporated Towns in this State, to impose taxes for county and corporation purposes respectively, in such manner as shall be prescribed by law; and all property shall be taxed according to its value, upon the principles established in regard to State taxation.

SEC. 30. No article manufactured of the produce of this State, shall be taxed otherwise than to pay inspection fees.

SEC. 31. The General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owner or owners.

ARTICLE III.

SECTION 1. The Supreme Executive power of this State, shall be vested in a Governor.

SEC. 2. The Governor shall be chosen by the electors of the Members of the General Assembly, at the times and places where they shall respectively vote for the members thereof. The returns of every election for Governor shall be sealed up, and transmitted to the seat of government, by the returning officers, directed to the Speaker of the Senate, who shall open and publish them in the presence of a majority of the members of each House of the General Assembly. The person having the highest number of votes, shall be Governor; but if two or more shall be equal, and highest in votes, one of them shall be chosen Governor by joint vote of both Houses of the General Assembly. Contested elections for Governor, shall be determined by both Houses of the General Assembly, in such manner as shall be prescribed by law.

SEC. 3. He shall be at least thirty years of age, shall be a citizen of the United States, and shall have been a citizen of this State seven years next before his election.

SEC. 4. The Governor shall hold his office for two years, and until his successor shall be elected and qualified. He shall not be eligible more than six years in any term of eight.

SEC. 5. He shall be commander-in-chief of the army and navy of this State, and of the militia, except when they shall be called into the service of the United States.

SEC. 6. He shall have power to grant reprieves and pardons, after conviction, except in cases of impeachment.

SEC. 7. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the period for which he shall have been elected.

SEC. 8. He may require information in writing, from the officers in the executive department, upon any subject relating to the duties of their respective offices.

SEC. 9. He may, on extraordinary occasions, convene the General Assembly, by proclamation; and shall state to them, when assembled, the purposes for which they shall have been convened; but they shall enter on no legislative business, except that for which they were specially called together.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. He shall, from time to time, give to the General Assembly, information of the state of the government, and recommend to their consideration such measures as he shall judge expedient.

SEC. 12. In case of the removal of the Governor from office, or of his death, or resignation, the powers and duties of the office shall devolve on the Speaker of the Senate; and in case of the death, removal from office, or resignation of the Speaker of the Senate, the powers and duties of the office shall devolve on the Speaker of the House of Representatives.

Sec. 13. No member of Congress, or person holding any office under the United States, or this State, shall execute the office of Governor.

Sec. 14. When any officer, the right of whose appointment is by this Constitution vested in the General Assembly, shall, during the recess, die, or the office, by the expiration of the term, or by other means, become vacant, the Governor shall have the power to fill such vacancy, by granting a temporary commission, which shall expire at the end of the next session of the Legislature.

Sec. 15. There shall be a Seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called the *Great Seal of the State of Tennessee.*

Sec. 16. All grants and commissions shall be in the name and by the authority of the State of Tennessee, be sealed with the State Seal, and signed by the Governor.

Sec. 17. A Secretary of State shall be appointed by joint vote of the General Assembly, and commissioned during the term of four years: he shall keep a fair register of all the official acts and proceedings of the Governor; and shall, when required, lay the same, and all papers, minutes and vouchers relative thereto, before the General Assembly: and shall perform such other duties as shall be enjoined by law.

ARTICLE IV.

Section 1. Every free white man of the age of twenty-one years, being a citizen of the United States, and a citizen of the County wherein he may offer his vote, six months next preceding the day of election, shall be entitled to vote for Members of the General Assembly, and other civil officers, for the County or District in which he resides: *provided*, that no person shall be disqualified from voting in any election on account of color, who is now by the laws of this State, a competent witness in a court of justice against a white man. All free men of color, shall be exempt from military duty in time of peace, and also from paying a free poll tax.

Sec. 2. Laws may be passed excluding from the right of suffrage, persons who may be convicted of infamous crimes.

Sec. 3. Electors shall in all cases, except treason, felony or breach of the peace, be privileged from arrest or summons, during their attendance at elections, and in going to and returning from them.

Sec. 4. In all elections to be made by the General Assembly, the Members thereof shall vote *viva voce;* and their votes shall be entered on the journal. All other elections shall be by ballot.

ARTICLE V.

SECTION 1. The House of Representatives shall have the sole power of impeachment.

SEC. 2. All impeachments shall be tried by the Senate; when sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the Senators sworn to try the officer impeached.

SEC. 3. The House of Representatives shall elect, from their own body, three Members, whose duty it shall be to prosecute impeachments. No impeachment shall be tried until the Legislature shall have adjourned *sine die*, when the Senate shall proceed to try such impeachment.

SEC. 4. The Governor, Judges of the Supreme Court, Judges of Inferior Courts, Chancellors, Attorneys for the Sate, and Secretary of State, shall be liable to impeachment, whenever they may, in the opinion of the House of Representatives, commit any crime in their official capacity, which may require disqualification; but judgment shall only extend to removal from office, and disqualification to fill any office thereafter. The party shall, nevertheless, be liable to indictment, trial, judgment and punishment, according to law.

SEC. 5. Justices of the Peace, and other civil officers, not hereinbefore mentioned, for crimes or misdemeanors in office, shall be liable to indictment in such courts as the Legislature may direct; and upon conviction, shall be removed from office, by said court, as if found guilty on impeachment; and shall be subject to such other punishment as may be prescribed by law.

ARTICLE VI.

SECTION 1. The Judicial power of this State, shall be vested in one Supreme Court, in such Inferior Courts as the Legislature shall from time to time ordain and establish, and the Judges thereof and in Justices of the Peace: The Legislature may also vest such jurisdiction as may be deemed necessary in Corporation Courts.

SEC. 2. The Supreme Court shall be composed of three Judges, one of whom shall reside in each of the grand divisions of the State; the concurrence of two of said Judges, shall in every case be necessary to a decission. The jurisdiction of this Court shall be appellate only, under such restrictions and regulations as may from time to time be prescribed by law; but it may possess such other jurisdiction as is now conferred by law on the present Supreme Court. Said Courts shall be held at one place, and at one place only, in each of the three grand divisions in the State.

SEC. 3. The General Assembly shall, by joint vote of both Houses, appoint Judges of the several Courts of law and equity; but courts may be established to be holden by Justices of the Peace. Judges of the

Supreme Court shall be thirty-five years of age, and shall be elected for the term of twelve years.

Sec. 4. The Judges of such Inferior Courts as the Legislature may establish, shall be thirty years of age, and shall be elected for the term of eight years.

Sec. 5. The Legislature shall elect Attorneys for the State, by joint vote of both Houses, of the General Assembly, who shall hold their offices for the term of six years. In all cases where an Attorney for any district fails or refuses to attend, and prosecute according to law, the court shall have power to appoint an attorney *pro tempore*.

Sec. 6. Judges and Attorneys for the State, may be removed from office by a concurrent vote of both Houses of the General Assembly, each House voting separately; but two-thirds of all the Members elected to each House must concur in such vote: the vote shall be determined by ayes and noes, and the names of the Members voting for or against the Judge or Attorney for the State, together with the cause or causes of removal, shall be entered on the journals of each House respectively. The Judge or Attorney for the State, against whom the Legislature may be about to proceed, shall receive notice thereof, accompanied with a copy of the causes alleged for his removal, at least ten days before the day on which either House of the General Assembly shall act thereupon.

Sec. 7. The Judges of the Supreme and Inferior Courts, shall, at stated times, receive a compensation for their services, to be ascertained by law, which shall not be increased or diminished, during the time for which they are elected. They shall not be allowed any fees or perquisites of office, nor hold any other office of trust or profit under this State or the United States.

Sec. 8. The jurisdiction of such Inferior Courts, as the Legislature may from time to time establish, shall be regulated by law.

Sec. 9. Judges shall not charge Juries with respect to matters of fact, but may state the testimony and declare the law.

Sec. 10. The Judges or Justices of such Inferior Courts of law as the Legislature may establish, shall have power, in all civil cases, to issue writs of *certiorari* to remove any cause or transcript thereof, from any inferior jurisdiction, into said court on sufficient cause supported by oath or affirmation.

Sec. 11. No Judge of the Supreme or Inferior Courts, shall preside on the trial of any cause, in the event of which he may be interested or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been of counsel, or in which he may have presided in any Inferior Court, except by consent of all the parties. In case all or any of the Judges of the Supreme Court, shall be thus disqualified from presiding on the trial of any cause or causes, the Court, or the Judges thereof, shall certify the same to the Governor of the State, and he shall forthwith specially commission the requisite number of men of law knowledge, for the trial and determination thereof. In case of sickness of any of the Judges of the Supreme or Inferior

Courts, so that they or any of them are unable to attend, the Legislature shall be authorized to make provision by general laws, that special Judges may be appointed to attend said Courts.

Sec. 12. All writs and other process shall run in the name of the State of Tennessee; and bear test and be signed by the respective Clerks. Indictments shall conclude, "*against the peace and dignity of the State.*"

Sec. 13. Judges of the Supreme Court shall appoint their Clerks, who shall hold their offices for the period of six years. Chancellors (if Courts of Chancery shall be established) shall appoint their Clerks and Masters, who shall hold their offices for the period of six years. Clerks of such Inferior Courts as may be hereafter established, which shall be required to be holden in the respective counties of this State, shall be elected by the qualified voters thereof, for the term of four years; they shall be removed from office for malfeasance, incompetency or neglect of duty, in such manner as may be prescribed by law.

Sec. 14. No fine shall be laid on any citizen of this State, that shall exceed fifty dollars; unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars.

Sec. 15. The different counties in this State shall be laid off as the General Assembly may direct, into districts of convenient size, so that the whole number in each County shall not be more than twenty-five, or four for every one hundred square miles. There shall be two Justices of the Peace and one Constable elected in each district, by the qualified voters therein, except districts including county towns, which shall elect three Justices and two Constables. The jurisdiction of said officers shall be co-extensive with the County. Justices of the Peace shall be elected for the term of six, and Constables for the term of two years. Upon the removal of either of said officers from the district in which he was elected, his office shall become vacant from the time of such removal. Justices of the Peace shall be commissioned by the Governor. The Legislature shall have power to provide for the appointment of an additional number of Justices of the Peace in incorporated towns.

ARTICLE VII.

Section 1. There shall be elected in each County, by the qualified voters therein, one Sheriff, one Trustee, and one Register; the Sheriff and Trustee for two years, and the Register for four years: *provided*, that no person shall be eligible to the office of Sheriff more than six years in any term of eight years. There shall be elected for each County, by the Justices of the Peace, one Coroner and one Ranger, who shall hold their offices for two years. Said officers shall be removed for malfeasance, or neglect of duty, in such maner as may be prescribed by law.

Sec. 2. Should a vacancy occur, subsequent to an election, in the office of sheriff, trustee, or register, it shall be filled by the justices; if in that of the clerks to be elected by the people, it shall be filled by the courts; and the person so appointed, shall continue in office until his successor shall be elected and qualified; and such office shall be filled by the qualified voters at the first election for any of the county officers.

Sec. 3. There shall be a Treasurer or Treasurers appointed for the State, by the joint vote of both Houses of the General Assembly, who shall hold his or their offices for two years.

Sec. 4. The election of all officers, and the filling of all vacancies that may happen, by death, resignation or removal, not otherwise directed or provided for by this Constitution, shall be made in such maner as the Legislature shall direct.

Sec. 5. The Legislature shall provide, that the election of the county and other officers by the people, shall not take place at the same time that the general elections are held for Members of Congress, Members of the Legislature, and Governor. The elections shall commence and terminate on the same day.

ARTICLE VIII.

Section 1. All Militia officers shall be elected by persons subject to military duty, within the bounds of their several companies, battalions, regiments, brigades and divisions, under such rules and regulations as the Legislature may, from time to time, direct and establish.

Sec. 2. The Governor shall appoint the Adjutant General and his other Staff Officers; the Majors General, Brigadiers General and commanding officers of regiments, shall respectively appoint their Staff Officers.

Sec. 3. The Legislature shall pass laws, exempting citizens belonging to any sect or denomination of religion, the tenets of which are known to be opposed to the bearing of arms, from attending private and general musters.

ARTICLE IX.

Section 1. Whereas, Ministers of the Gospel are, by their profession, dedicated to God and the care of souls, and ought not to be diverted from the great duties of their functions; therefore, no Minister of the Gospel or Priest of any denomination whatever, shall be eligible to a seat in either House of the Legislature.

Sec. 2. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

Sec. 3. Any person who shall, after the adoption of this Constitution, fight a duel, or knowingly be the bearer of a challenge to fight a duel, or send or accept a challenge for that purpose, or be an aider or abettor in fighting a duel, shall be deprived of the right to hold any office of honor or profit in this State, and shall be punished otherwise, in such manner as the Legislature may prescribe.

ARTICLE X.

Section 1. Every person who shall be chosen or appointed to any office of trust or profit, under this Constitution, or any law made in pursuance thereof, shall, before entering on the duties thereof, take an oath to support the Constitution of this State, and of the United States, and an oath of office.

Sec. 2. Each Member of the Senate and House of Representatives, shall, before they proceed to business, take an oath or affirmation, to support the Constitution of this State, and of the United States, and also the following oath: "I,———, do solemnly swear (or affirm,) that, as a Member of this General Assembly, I will, in all appointments, vote without favor, affection, partiality, or prejudice; and that I will not propose or assent to any bill, vote or resolution, which shall appear to me injurious to the people, or consent to any act or thing whatever, hatt shall have a tendency to lessen or abridge their rights and privileges, as declared by the Constitution of this State.

Sec. 3. Any elector who shall receive any gift or reward for his vote, in meat, drink, money, or otherwise, shall suffer such punishment as the laws shall direct. And any person who shall directly or indirectly give, promise or bestow, any such reward to be elected, shall thereby be rendered incapable for six years, to serve in the office for which he was elected, and be subject to such further punishment, as the Legislature shall direct.

Sec. 5. New Counties may be established by the Legislature, to consist of not less than three hundred and fifty square miles, and which shall contain a population of four hundred and fifty qualified voters. No line of such county shall approach the court house of any old County from which it may be taken, nearer than twelve miles. No part of a county shall be taken to form a new County or a part thereof, without the consent of a majority of the qualified voters in such part taken off. And in all cases where an old County may be reduced for the purpose of forming a new one, the seat of justice in said old county shall not be removed without the concurrence of two-thirds of both branches of the Legislature, nor shall said old county be reduced to less than six hundred and twenty-five square miles: *provided*, however that the county of Bedford may be reduced to four hundred and seventy-five square miles; and there shall not be laid off more than one new county on the West, and one on the East, adjoining the county of Bedford, and no new county line shall run nearer than eleven and a half miles of the seat of justice of said county. The line of a new county may run within eleven miles of the seat of justice of Franklin county; *provided*, it does not reduce said county to less contents than six hundred and twenty-five square miles. The counties of Carter, Rhea, Tipton, Dyer and Sullivan are excepted out of the provisions of this section: the county of Humphreys may be divided, at such time as may be prescribed by the Legislature, making the Tennessee river the dividing line; a majority of the qualified voters of said county voting in favor of said division: the counties of Carter, Rhea and Humphreys, shall not be divided into more than two counties each; nor shall more than one new county be taken out of the territory now comprising the counties of Tipton and Dyer; nor shall the seats of justice in the counties of Rhea, Carter, Tipton and Dyer, be removed, without the concurrence of two thirds of both branches of the Legislature. The county of Sullivan may be reduced below the contents of six hundred and twenty-five square miles, but the line of any new county which may hereafter be laid off shall not approach the county seat of said county nearer than ten miles. The counties of Marion and Bledsoe shall not be reduced below one thousand qualified voters each, in forming a new county or counties.

Sec. 5. The citizens who may be included in any new county, shall vote with the county or counties from which they may have been stricken off, for members of Congress, for Governor and for members of the General Assembly, until the next apportionment of members to the General Assembly after the establishment of such new county.

ARTICLE XI.

Section 1. All laws and ordinances now in force and use in this State, not inconsistent with this Constitution, shall continue in force and use, until they shall expire, be altered or repealed by the Legislature.

Sec. 2. Nothing contained in this Constitution, shall impair the validity of any debts or contracts, or effect any rights of property, or any suits, actions, rights of action, or other proceedings in courts of justice.

Sec. 3. Any amendment or amendments to this Constitution may be proposed in the Senate or House of Representatives; and if the same shall be agreed to by a majority of all the members elected to each of the two Houses, such proposed amendment or amendments shall be entered on their journals, with the yeas and nays thereon, and referred to the General Assembly then next to be chosen: and shall be published for six months previous to the time of making such choice. And if in the General Assembly next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by two-thirds of all the members elected to each House, then it shall be the duty of the General Assembly to submit such proposed amendment or amendments to the people, in such manner, and at such time, as the General Assembly shall prescribe. And if the people shall approve and ratify such amendment or amendments, by a majority of all the citizens of the State, voting for Representatives, voting in their favor, such amendment or amendments shall become part of this Constitution. When any amendments or amendments to the Constitution shall be proposed in pursuance of the foregoing provisions, the same shall at each of the said sessions be read three times on three several days in each

House. The Legislature shall not propose amendments to the Constitution, oftener than once in six years.

Sec. 4. The Legislature shall have no power to grant divorces, but may authorize the courts of justice to grant them for such causes as may be specified by law: *provided*, that such laws be general and uniform in their operation throughout the State.

Sec. 5. The Legislature shall have no power to authorize lotteries for any purpose, and shall pass laws to prohibit the sale of lottery tickets in this State.

Sec. 6. The Legislature shall fix the rate of interest—and the rate so established shall be equal and uniform throughout the State.

Sec. 7. The Legislature shall have no power to suspend any general law for the benefit of any particular individual, nor to pass any law for the benefits of individuals inconsistent with the general laws of the land; nor to pass any law granting to any individual or individuals, rights, privileges, immunities, or exemptions, other than such as may be, by the same law, extended to any member of the community, who may be able to bring himself within the provisions of such law: *provided always*, the Legislature shall have power to grant such charters of corporation as they may deem expedient for the public good.

Sec. 8. The Legislature shall have the right to vest such powers in the courts of justice, with regard to private and local affairs, as may be deemed expedient.

Sec. 9. A well regulated system of internal improvement is calculated to develope the resources of the State, and promote the happiness and prosperity of her citizens; therefore it ought to be encouraged by the General Assembly.

Sec. 10. Knowledge, learning, and virtue, being essential to the preservation of republican institutions, and the diffusion of the opportunities and advantages of education throughout the different portions of the State, being highly conducive to the promotion of this end; it shall be the duty of the General Assembly in all future periods of this government, to cherish literature and science. And the fund called the *common school fund*, and all the lands and proceeds thereof, dividends, stocks, and other property of every description whatever, heretofore by law appropriated by the General Assembly of this State for the use of common schools, and all such as shall hereafter be appropriated, shall remain a *perpetual fund*, the principal of which shall never be diminished by legislative appropriation, and the interest thereof shall be inviolably appropriated to the support and encouragement of common schools throughout the State, and for the equal benefit of all the people thereof; and no law shall be made authorizing said fund, or any part thereof, to be diverted to any other use than the support and encouragement of common schools: and it shall be the duty of the General Assembly, to appoint a Board of Commissioners, for such term of time as they may think proper, who shall have the general superintendence of said fund, and who shall make a report of the condition of the same, from time to time, under such rules, regulations and restrictions as may be required by law; *provided*, that if at any time hereafter a division of the public lands of the United States, or of the money arising from the sales of such lands, shall be made among the individual States, the part of such lands, or money, coming to this State, shall be devoted to the purposes of education and internal improvement; and shall never be applied to any other purpose.

Sec. 11. The above provisions shall not be construed to prevent the Legislature from carrying into effect any laws that have been passed in favor of the colleges, universities or academies, or from authorizing heirs or distributees to receive and enjoy escheated property, under such rules and regulations as from time to time may be prescribed by law.

Sec. 12. The Declaration of Rights hereto prefixed, is declared to be a part of the Constitution of this State, and shall never be violated on any pretence whatever. And to guard against transgression of the high powers we have delegated, we declare every thing in the Bill of Rights contained, is excepted out of the general powers of government, and shall forever remain inviolate.

SCHEDULE.

Section 1. That no inconvenience may arise from a change of the Constitution, it is declared, that all officers, civil and military, shall continue to hold their offices; and all the functions appertaining to the same shall be exercised and performed according to the existing laws and Constitution, until the end of the first session of the General Assembly, which shall sit under this Constitution, and until the government can be re-organized and put into operation under this Constitution, in such manner as the first General Assembly aforesaid shall prescribe, and no longer.

Sec. 2. The General Assembly which shall sit after the first appionment of representation under the New Constitution, to wit: in the year one thousand eight hundred and forty-three, shall, within the first week after the commencement of the session, designate and fix the seat of Government; and when so fixed, it shall not be removed, except by the consent of two-thirds of the Members of both Houses of the General Assembly. The first and second sessions of the General Assembly under this Constitution shall be held in Nashville.

Sec. 3. Until a land office shall be opened, so as to enable the citizens south and west of the congressional reservation line, to obtain titles upon their claims of occupancy, those who hold lands by virtue of such claims, shall be eligible to serve in all capacities where a freehold is, by the laws of the State, made a requisite qualification.

Done in Convention at Nashville, this thirtieth day of August, one thousand eight hundred and thirty-four, and of the Independence of the United States of America the fifty-ninth,
In testimony whereof, we have hereunto subscribed our names.

WILLIAM B. CARTER, President.

Robert Allen,
Hugh C. Armstrong,
Adam R. Alexander,
Richard Bradshaw,
Robert M. Burton,
Willie Blount,
Maclin Cross.
James Gray,
Newton Cannon,
William G. Childress,
Terry H. Cahal,
Robert L. Cobbs,
Richard Cheatham,
Burchett Douglass,
Francis B. Fogg,
Gray Garrett,
James Gillespy,
Bolling Gordon,
Callaway Hodges,
Isaac Hill,
Adam Huntsman,
West H. Humphreys,
Nelson I. Hess,
John Kelly,
Andrew A. Kincannon,
Joseph Kincaid,
Peter Kendall,
Bradley Kimbrough,
William Ledbetter,
William H. Loving,
Abraham McClellan,
Robert J. McKinney,
Joseph A. Mabry,
John McGaughey,
John Montgomery,
George W. L. Marr,
John Neil,
Richard Nelson,
Thomas C. Porter,
John Purdy,
William C. Roadman,
George W. Richardson,
Henry Ridley,
Julius C. N. Robertson,
Matthew Stephenson,
William T. Senter,
James W. Smith,
William C. Smartt,
Henry Sharp,
James Scott,
Ennis Ury,
John Whitson,
Isaac Walton,
John J. White,
Jonathan Webster,
Robert Weakley.

WILLIAM K. KILL, *Secretary.*

ORDINANCE.

I. *Ordered*, That it shall be the duty of the several officers of this State, authorized by law to hold elections for Members of the General Assembly, to open and hold an election, at the places of holding elections for members the General Assembly in their respective counties, on the first Thursday and Friday in March next, for the purpose of receiving the votes of such qualified voters as may desire to vote for the adoption or rejection of this amended Constitution: *provided*, that no person shall be deemed a qualified voter in said election, except such as are included within the provisions of the first section of the fourth article of this amended Constitution.

II. *Ordered*, That it shall be the duty of said returning officers in each county in this State, to prepare poll books, which shall be opened on said days of election, and in which shall be enrolled the name of each voter by the assistance of clerks, who shall be appointed and sworn as clerks in other elections. Said officers shall prepare a ballot box in which shall be placed the ticket of each voter. Each ticket shall have written thereon the words "I ratify the amended Constitution:" or if the voter is opposed to it: "I reject the amended Constitution," or the words "Ratification" or "Rejection," or some such words as will distinctly convey the intention of the voter. The justices of the several county courts in this State, at some term previous to the day of said election, shall appoint three inspectors for each precinct; and in case of failure of the courts to appoint inspectors, then said returning officers shall appoint them. It shall be the duty of said returning officers, in presence of the said inspectors, to count the votes given for the ratification or rejection of the Constitution, of which they shall keep a true and correct estimate in said poll book. Said returning officer shall deposite the original poll books of said election with the clerk of the County Court in their respective counties, and shall within five days after said election, make out duplicate statements of the number of votes in their respective counties for ratifying and rejecting the Constitution; and shall forward by mail one of said certificates to the Governor, one to the Secretary of State, and shall likewise deposit one with the clerk of the county court. It shall be the duty of said several clerks, carefully to examine the said poll books, and forthwith to certify to the Secretary of State, a full, true and perfect statement of the number of votes taken for and against the Constitution, as appears from the poll books, filed in their office. Should said returning officers, or any of them, fail to make returns, in due time as above directed, the Secretary of State shall then be authorized to dispatch a special messenger for the purpose of obtaining a certified copy of the result of said elections.

III. *Ordered*, That upon the receipt of the said returns, it shall be the duty of the Governor, Secretary of State and any one of the Judges of the supreme court, or any two of the said named officers, to compare the votes given in said election for the ratification and rejection of the amended constitution; and if it shall appear from said returns, that a majority of all the votes given in said election, is for ratifying the amended Constitution, then it shall be the duty of the Governor forthwith to make proclamation of that fact, and thenceforth this amended Constitution shall be ordained and established as the Constitution of the State of Tennessee. It shall moreover be the duty of the Governor, in and by said proclamation, to command the sheriffs and other officers directed by law to hold and superintend elections, to open the polls of elections at the places of holding elections, for Members of the General Assembly in their respective counties, on the first Thursday in August one thousand eight hundred and thirty-five, for the purpose of electing a Governor, and for the election of Senators and Representatives to the General Assembly of this State, from the several districts and counties as mentioned and described in this ordinance, at which time and places elections shall also be held for Members of Congress; and said officers shall make returns of said elections under the same rules and regulations as are now required by the existing laws. And it shall be the duty of the Secretary of State to record the returns made from each county or district, and the result of said election in a bound book to be preserved in his office.

IV. *Be it further Ordered*, That if any sheriff or other acting officer, shall fail, within the time prescribed by this ordinance, to discharge any of the duties hereby required, such sheriff or other returning officer so failing as aforesaid, shall forfeit and pay the sum of five thousand dollars, to be recovered by action of debt in any of the courts of record in this State; to be sued for in the name of the Governor, for the use and benefit of common schools.

Sec. 5. *Be it further Ordered*, That until the first enumeration and apportionment of representation in one thousand eight hundred and forty-one, as directed by the amended Constitution, the following districts shall be formed, each of which shall elect one Senator, and the polls of election shall be compared at the several places herein mentioned, on the first Monday succeeding the day of election; to wit:

The counties of Carter, Sullivan and Washington, shall form one district; and the polls shall be compared in the town of Jonesborough:

The counties of Greene and Hawkins, shall compose one district; and the polls shall be compared in the town of Greenville.

The counties of Cocke, Sevier, Jefferson and Blount, shall form one district; and the polls shall be compared in the town of Sevierville.

The counties of Grainger, Claiborne, Campbell, Anderson and Morgan, shall compose one district; and the polls shall be compared at the house of Robert Glenn Esq., in Campbell county.

The counties of Knox and Roane, shall form one district; and the polls shall be compared at Campbell's Station.

The counties of Monroe and M'Minn shall compose one district; and the polls shall be compared in the town of Athens.

The counties of Rhea, Bledsoe, Marion and Hamilton, shall compose one District; and the polls shall be compared at the town of Dallas.

The counties of Warren and Franklin, shall compose one district; and the polls shall be compared at Hillsborough.

The counties of Overton, Jackson, Fentress and White, shall compose one district; and the polls shall be compared at Livingston.

The counties of Lincoln and Giles, shall compose one district; and the polls shall be compared at the house of John Kennedy.

The counties of Smith and Sumner shall compose one district; and the polls shall be compared at Hartsville.

The county of Bedford, shall compose one district; and the polls shall be compared at Shelbyville.

The county of Maury, shall compose one district; and the polls shall be compared in Columbia.

The county of Rutherford, shall compose one district; and the polls shall be compared at Murfreesborough.

The county of Davidson, shall compose one district; and the polls shall be compared in the city of Nashville.

The county of Williamson, shall compose one district; and the polls shall be compared in the town of Franklin.

The counties of Lawrence, Wayne and Hickman, shall compose one district; and the polls shall be compared at Catron and Napier's Furnace.

The counties of Dickson, Stewart and Humphreys shall compose one district; and the polls shall be compared at Simmons' Old Place on Yellow creek.

The counties of Robertson and Montgomery shall compose one district; and the polls shall be compared at Port Royal.

The county of Wilson, shall compose one one district; and the polls shall be compared in Lebanon.

The counties of Hardeman, Fayette and Shelby, shall compose one district; and the polls shall be compared in Sommerville.

The counties of Madison, Haywood and Tipton, shall compose one district; and the polls shall be compared in Brownsville.

The counties of Carroll, Gibson and Dyer, shall compose one district; and the polls shall be compared in Trenton.

The counties of Henry, Weakley and Obion shall compose one district; and the polls shall be compared in Dresden.

The counties of Henderson, Perry, McNairy and Hardin, shall compose one district; and the polls shall be compared at the house of James Wright, in Hardin county.

And until said enumeration and apportionment of one thousand eight-hundred and forty one, the counties of Carter, Sullivan, Washington, Greene, Hawkins, Cocke, Sevier, Jefferson, Blount; Grainger, Claiborne, Knox, Roane, Monroe, McMinn, Rhea and Bledsoe, shall each elect one representative; and the polls shall be compared at their respective court houses.

The counties of Sullivan and Hawkins shall jointly elect one representative; and shall compare the polls at Kingsport.

The counties of Greene and Washington, shall jointly elect one representative; and the polls shall be compared at the house of Joshua Royston Esq.

The counties of Knox and Roane, shall jointly elect one representative; and the polls shall be compared at Campbell's Station.

The counties of Monroe and McMinn, shall jointly elect one representative; and the polls shall be compared at Athens.

The counties of Campbell, Anderson and Morgan, shall jointly elect two representatives; and the the polls shall be compared at the house of James Ross Esq. in Anderson county.

The counties of Marion and Hamilton, shall jointly elect one representative; and the polls shall be compared at Dallas.

The counties of Warren, Franklin, Bedford, Lincoln, Giles, Maury, Rutherford, Williamson, Davidson, Wilson, Smith and Sumner, shall each elect two representatives; and the polls shall be compared at their respective court houses.

The counties of Lawrence, Wayne, Hickman, Dickson Humphreys, Montgomery, Stewart, Robertson, Overton, Jackson, Fentress, White, Hardin, McNairy, Hardeman, Fayette, Shelby, Perry, Henderson, Madison, Haywood, Tipton, Carroll, Gibson, Henry and Weakley, shall each elect one representative; and the polls shall be compared at their respective court houses.

The counties of Obion and Dyer, shall jointly elect one representative; and the polls shall be compared at the house of William Terrell Esq. in Dyer county.

The returns of the elections for Representatives, shall be made at the several places herein pointed out, on the first Saturday succeeding the day of election.

WILLIAM B. CARTER, *President.*

Attest.

WILLIAM K. HILL, *Secretary.*

Mr. WHITE submitted the following; to wit:

"*Resolved*, That the thanks of this Convention be given to the Hon. William B. Carter, for the impartiality, courtesy and ability with which he has discharged his various and important duties as presiding officer of this body."

Which was unanimously adopted.

Thereupon the President rose and addressed the Convention as follows:

I accept, gentlemen, with sentiments of unfeigned humility, the compliments so condescendingly bestowed upon me by the resolution you have just adopted.

My gratification would be greatly heightened, could I flatter myself that the humble services it has been my duty to administer, entitled me to so much consideration: to your politeness and partiality, more than any merit of mine, I attribute thefavor, dictated, as I am bound to acknowledge, by the spirit of friendship, it is in the same spirit received by me, and shall ever be cherished with recollections of fervent gratification and respect.

Gentlemen: We shall presently adjourn the deliberations of the most important assembly that has convened in this State for near half a century past. How far the result of your labors may prove acceptable to our constituents, and promotive of the great principles of civil liberty, remains in some degree to be tested. If singleness of purpose, and a zealous and patriotic devotion to the weighty and imposing service that brought us together, can insure the approbation of one, and the establishment of the other, you will find ample recompense for the toils all the and anxieties to which you have necessarily been subjected. Fortified with the hopeful reflection, you have abundant reason to look to the future with unshaken assurance of tranquillity. But should it be the will of the high tribunal, to whose unappealable decree you have wisely determined to submit the renewed charter of constitutional law, to reject its provisions, the decision which annuls your labors and reverses your judgment, will carry with it no rebukes against the motives that have guided and governed you in its formation and adoption. A generous public (and such we may justly call that people whose servants we are) will not too severely censure and condemn errors and misapprehensions, which do not proceed from corruption or inexcusable ignorance. Let us, then, gentlemen, with conscious integrity, await the coming verdict of our fellow-citizens, fully satisfied, that having the intelligence to judge for themselves, without a motive to err, they will not be likely to determine with inconsiderate rashness, on a subject of such exclusive importance to their future political welfare.

Gentlemen of the Convention: Invited by your partialities to fill the Chair and rule your deliberations, I have never failed to bear in mind, the great delicacy of my task, and my inadequacy to the duties required at my hands. On your politeness and forbearance I have continued to rely, and to that kind source, feel that I am indebted for the little success which in your estimation, has crowned my exertions.

For so much unmerited goodness, I am not able sufficiently to express my thanks. Suffer me in return, to wish you individually a speedy and happy journey to the embraces of your families and the smiles and approbation of your constituents; and there in the rich banquet of feeling, forgetting the cares and the perplexities through which you have toiled here, I trust you may live long in the enjoyments of the precious immunities secured by that Constitution, which it will be your proud distinction to have signed.

Mr Blount then submitted the following:

"*Resolved*, That the thanks of this Convention are hereby presented to Wm. K. Hill, the Secretary to this body, for the correct, neat and elegant manner he has engrossed the amended Constitution of this State on parchment as to be enrolled, agreeably to the order of this Convention."

Which was read and unanimously adopted.

Mr Fogg submitted the following:

"*Resolved*, That the Secretary of State be requested to superintend the printing of the Constitution and the ordinances and to have the same distributed as has before been ordered."

Which was read and adopted.

The report of the Committee on Finance was presented by Mr Douglass of said Committee, in the following words; to wit:

The Committee of Finance, who were charged to inquire into and audit the expenses of the Convention, beg leave to make the following

REPORT.

Dr. the State of Tennessee,
In Account Current as follows:

For sundry expenses incurred by the Convention assembled at Nashville on the nineteenth of May, one thousand eight hundred and thirty-four, for the purpose of revising, amending or forming anew the Constitution of said State.

NAMES OF MEMBERS, &c.	No. of Miles.	Am't milage.		No. of Days.	Amt of per diem.		Aggregate.	
		$	c.		$	c	$	c.
Carter, William B. (President)	640	102	40	104	520	00		
Ditto, Postages,					1	56	623	96
Allen, Robert	100	16	00	104	416	00	432	00
Armstrong, Hugh C. . .	228	36	48	104	416	00	452	48
Alexander, Adam R. . .	460	73	60	104	416	00	489	60
Bradshaw, Richard . . .	460	73	60	104	416	00	489	60
Burton, Robert M. . . .	60	9	60	104	416	00	425	60
Blount Willie	70	11	20	104	416	00	427	20
Cannon, Newton	52	8	32	104	416	00	484	32
Childress. William G. . .	24	3	84	104	416	00	419	84
Cahal, Terry H.	82	13	12	104	416	00	429	12
Cobbs, Robert L. . . .	82	13	12	104	416	00	429	12
Cheatham, Richard . . .	50	8	00	104	416	00	424	00
Cross, Maclin, ...	286	45	76	104	416	00	461	76
Douglass, Burchett . . .	66	10	56	104	416	00	426	56
Fulton, James	150	24	00	104	416	00	440	00
Fogg, Francis B.				104	416	00	416	00
Garrett, Gray	470	75	20	104	416	00	491	20
Gillespie, James	400	64	00	104	416	00	480	00
Green, James I.	320	51	20	104	416	00	467	20
Gray, James	180	28	80	104	416	00	444	80
Gordon, Bolling, ...	100	16	00	104	416	00	432	00
Hodges, Callaway, . . .	438	70	08	104	416	00	486	08
Hill, Isaac	168	26	88	104	416	00	442	88
Huntsman, Adam . . .	300	48	00	104	416	00	464	00
Humphreys, West H. . .	376	60	16	104	416	00	476	16
Hess, Nelson I.	270	43	20	104	416	00	[illegible]	20
Kelly, John	224	35	84	104	416	00	[illegible]	84
Kincannon, Andrew A. .	150	24	00	104	416	00	440	00
Kincaid, Joseph - - - -	110	17	60	104	416	00	433	60
Kendall, Peter - - - -	200	32	00	104	416	00	448	00
Kimbrough, Bradley - -	360	57	60	104	416	00	473	60
Ledbetter, William - - -	70	11	20	104	416	00	427	20
Loving, William H. - -	354	56	64	104	416	00	472	64
McClellan, Abraham - -	620	99	20	104	416	00	515	20
McKinney, Robert J. - -	550	88	00	104	416	00	504	00
McKinney, John A. - - -	528	84	48	104	416	00	500	48

NAMES OF MEMBERS, &c.	No of miles.	Amt of milage.	No. of days.	Amt of per diem $ c.	Aggregate. $ c.
Mabry, Joseph A. - - -	350	56 00	104	416 00	472 00
McGaughey, John - - -	554	88 64	104	416 00	504 64
Montgomery, John - - -	74	11 84	104	416 00	427 84
Marr, George W. L. - -	320	51 20	104	416 00	467 20
Neil, John - - - - - - -	350	56 00	104	416 90	472 00
Nelson, Richard - - - -	170	27 20	104	416 00	443 20
Porter, Thomas C. - - -	144	23 04	104	416 00	439 04
Purdy, John - - - - - -	280	44 80	104	416 00	460 80
Roadman, William C. - -	500	80 00	104	416 00	496 00
Richardson George W. -	140	22 40	104	416 00	438 40
Ridley, Henry - - - - -	40	6 40	104	416 00	422 40
Robertson, J. C. N. - - -	360	57 60	104	416 00	473 60
Stephenson, Matthew, - -	590	94 40	104	416 00	510 40
Senter, William T. - - -	330	52 80	104	416 00	468 80
Smith, James W. - - -	130	20 80	104	416 00	436 80
Smartt, William C. - - -	140	22 40	104	416 00	438 40
Sharp, Henry - - - - - -	150	24 00	104	416 00	440 00
Scott, James - - - - - -	248	39 68	104	416 00	455 68
Ury, Ennis - - - - - -	210	33 60	104	416 00	449 60
Whitson, John - - - - -	400	64 00	104	416 00	480 00
Walton, Isaac - - - - -	26	4 16	104	416 00	420 16
White, John J. - - - - -	50	8 00	104	416 00	424 00
Webster, Jonathan - - -	110	17 60	104	416 00	433 60
Weakley, Robert - - -			104	416 00	416 00
					27471 80

OFFICERS.

Hill, William K., Secretary, 104 days at $6 . . .		624 00	
Morrow, William I. I., Assistant do. 103 days at $6		618 00	
McDowell, James, Doorkeeper, 104 " at $4		416 00	
Robertson, Alfred C., Assistant do. 104 " at $4		416 00	
James Brittain, Clerk Hire, - - - - - - - - -		275 00	
Samuel H. Laughlin, do. - - - - - - - - - - -		60 00	
W. Hasell Hunt, do. - - - - - - - - - - -		60 00	
William K. Hill, for completing the journals and superintending printing, ...		120 00	
			2589 00
Laughlin & Henderson, for Job Printing, ...		1934 43	
Allen A. Hall, for rule work in May, . . .	3 50		
Do. for Republican, 60 copies, .	90 00		
		93 50	
W, Hasell Hunt & Co., 60 copies Banner & Whig,		120 00	
			3147 93
C. C. Norvell, for stationery, ...		163 50	
Catherine Robertson, do.		155 77	
James Robinson, for sundries, ink stands, &c. . .		31 51	
			350 78

Mrs. Baker,	50 00	
E. Saul, for engrossing Lafayette resolutions,	11 00	
One tin case for do.	1 00	
		62 00
John McDowell, for 4 spit-boxes,	1 00	
S. Sutton & Sewell, for ice,	30 00	
Louis, (colored man) hauling 165 barrels water,	20 00	
Ditto, sweeping and bringing water, &c.	30 00	
		81 00
John Austin, cleaning house, &c. for reception,	30 50	
Robert I. Moore, carpeting,	29 06	
James McDowell, removing furniture, &c. after adjournment,	10 00	
		69 56
		$32,772 07

Thirty-two thousand, seven hundred and seventy-two dollars and seven cents.

All of which is respectfully submitted

BURCHETT DOUGLASS,
Chairman of the Committee of Finance.

On motion of Mr Burton,

Ordered, That the Ordinance adopted by the Convention be published and appended to the Amended Constitution; and that it be signed by the President and countersigned by the Secretary of this Convention.

Mr Cahal moved that the session of the Convention be closed by prayer; which motion prevailing, a fervent and appropriate prayer was offered to the throne of grace, by the Reverend Mr Hess of the Cumberland Presbyterian Church.

And thereupon the Convention, on motion of Mr Allen,

Adjourned without day.

WILLIAM B. CARTER, *President.*

Attest:
William K. Hill, *Secretary.*